BOMBAY GAZETTE.

PUBLISHED THRICE A WEEK, ON EVERY MONDAY, WEDNESDAY, AND FRIDAY, MORNING.

PRICE 13 RUPEES PER QUARTER:—52 RUPEES PER ANNUM:—OR, IF PAID IN ADVANCE, 48 RUPEES PER ANNUM.

"Nothing extenuate, nor set down aught in Malice."

Vol. LI. **BOMBAY: FRIDAY, SEPTEMBER 4, 1840.** **3,207.**

BOMBAY GAZETTE OVERLAND DISPATCH.

WHICH will contain a Precis of Indian Intelligence for the past Month.

The Public and Subscribers of the Gazette are informed that an Overland Monthly Dispatch, will be published at this Office for the present and every succeeding Mail.—To Subscribers of the Gazette, Non Subscribers one Rupee per [illegible] for the above [illegible]gland £1.

Rs.

The *Bombay Gazette* [illegible] that if they will favo[illegible] with the names of the Parties in England to whom they wish their Overland Gazette to be sent, they will be forwarded punctually through the Post Office here by each Steamer.

No Postage is levied by the Falmouth route and by Marseilles Twopence.

Agents in England, Mr. Richardson, Cornhill; Messrs. Grindlay, Christian and Matthews, 16, Cornhill, and 8, St. Martin's place, Charing Cross.

Bombay Gazette Office, No. 5, Forbes Street.

MARRYAT'S CODE OF SIGNALS, Sixth Edition, of the 1st, 2nd, and 3rd Parts, with the Supplement to the above, and also the Honorable Company's Steamers and Ships of War, corrected and enlarged with considerable alterations and additions.—Price 2 Rupees per Copy.—Apply at this Office.

NOTICE.

THE SUBSCRIBERS of the BOMBAY GAZETTE are respectfully requested to take notice that the New Proprietorship commenced from the 1st of June 1840, and that all accounts &c. with the present concern will commence from that date.

NOTICE.

THE SUBSCRIBERS to the GAZETTE are requested that whenever a change of residence or Station may take place, they will be pleased to give information of the same, in order, to prevent mistakes in forwarding their Newspaper.

COPPER PLATE PRINTING.

THE LADIES and GENTLEMEN of the Presidency and the Public in general are hereby informed, that VISITING and INVITATION CARDS will be neatly executed and on reasonable terms at this Office.

All orders for Copper Plate Engraving and Card Printing addressed to the Printer of this Paper will be carefully attended to.

Bombay Gazette Office, Sept. 4, 1840.

TO THE ARMY.

THE Report of the Commissioners for Inquiring into Naval and Military Promotion and Retirement, will be reprinted by Subscription as a Pamphlet and sold at Rs. 2 per Copy at this Office.

To insure a sale Gentlemen who may wish to have a Copy are requested to make an early application.

Bombay Gazette Office, Sept. 4. 1840.

FOR SALE.

TWO WOODEN PRINTING PRESSES, and old files of Newspapers.—Apply at this Office.

ADVERTISEMENT.

MANY applications having been made to the EDITOR of this Journal, and promises of assistance given to get up a *Sporting Magazine*. It is hereby announced that if a sufficient Number of Subscribers send in their names to repay the outlay, a BOMBAY SPORTING MAGAZINE will appear in October, and be repeated *Quarterly* The price to Subscribers will be 12 Rupees a year single numbers 4 Rupees, communications will be thankfully received.

FOR SALE, at the Gazette Office;

Respondentia Bonds, each..	Rs.	1
Ship's Articles.....	,,	1
Policies of Insurance.....	,,	1
Bills of Exchange, per set....	Ans.	8
Interest Bonds.....	,,	8
Bills of Lading.....	,,	8
Powers of Attorney, each.....	,,	8

EXPEDITIOUS OVERLAND TRAVELLING.

MESSRS. J. R. HILL AND CO. in returning their warmest thanks for the distinguished Patronage they have hitherto received from the Indian Public, beg to announce that thro' the liberality of the Bombay Steam Fund, they have been enabled so to complete their arrangements in Egypt, both upon the Desert by the establishment of comfortable carriages, and upon the Nile by a commodious Steamer, that they now engage (under the penalty of resigning all claim to remuneration in case of the non-fulfilment of their agreement) to carry 10 persons monthly from Suez to Alexandria at the moderate rate of 12 £ per head (throughout the entire route, which embraces every accommodation, inclusive of a liberal table and the carriage of 1 Cwt. of Baggage) in time for the Steamer which takes the Mail to England, thereby ensuring their speedy and comfortable transit, the entire distance from India to England. One half of the above sum of 12 £ must be paid at Bombay to Mr. A. Viegas who has been appointed Messrs. J. R. HILL and Co.'s Agent, and who will make every arrangement and give every information upon the subject of the overland route.

N. B.—As Messrs. J.R. HILL and Co. are at present only able to accommodate a limited number of persons in the conveyances, which they guarantee shall arrive in time for the English Steamer, it will be necessary that any person wishing to avail themselves of them, should communicate with Mr. Viegas. No. 26, Meadow Street, upon the subject, at least one month previous to the departure of the Steamer in which they propose embarking.

A full statement of Messrs. J. R. HILL and Co's accommodations on the desert and Nile together with a list of their terms is now in Press and on completion will be delivered gratis upon application to Mr. Viegas, in the mean time it is with great satisfaction Messrs. J. R. H. and Co. beg to announce the reduction of their fares, by the Carriages between Suez and Cairo from 6 to 5 £ and that should they meet with that patronage which it will ever be their earnest endeavours to deserve, a further reduction of 1 £ will eventually be made.

Bombay, 4th September 1840.

TO be sold by Auction, on Monday the 7th Instant, at 11 A. M. at the Bungalow now occupied by Mr. BLACKWELL on the Byculla Road, a quantity of valuable Plants, which will be put up in convenient Lots to suit purchasers—The Plants are tobe sold in consequence of the owner being about to remove.

BLACKWELL AND Co.

Bombay, 4th September 1840.

SALE BY AUCTION.

ON Tuesday, the 15th Instant, BLACKWELL AND Co. will sell by Public Auction on the Premises Mazagon (*next door to Jemsetjee Jeejeebhoye's Esq.*) the Household property and effects of a Gentleman proceeding to England, amongst which are two Serviceable Palanquins and a Tonjon.

Further particulars will appear in future Advertisements.

Catalogues will not be published.

The Articles will be on view from the 12th Instant (Sunday, excepted) until the hour of Sale.

Bombay, 4th Sept. 1840.

EXTENSIVE SALE OF WINES.

ON Friday the 11th Instant, at 12 o'clock A. M. Messrs. ROBERT FRITH AND Co. will submit to Public Sale at their Rooms, a large quantity of Red Hermitage, Champaign, Burgundy, Claret and other Wines to close an account. Samples may be had at the following rates:—Red Hermitage 1¼ Rupee per Bottle. Champaign 1½, Burgundy 1½ Claret 1 Rupee.

SALE BY AUCTION.

ON Wednesday, September the 9th, Messrs. ROBERT FRITH AND Co. will sell at their Rooms, a large assortment of Crockery Ware of various patterns, consisting of Plates of Sorts, Washing Sets, Breakfast Ditto, Dessert Ditto, and a variety of other articles.

ALL PRIZES AND NO BLANKS!!

WITHULDASS BHOYCHUND & CO'S Second Bombay Minor Lottery, on 15000 Rs. and 55 Tickets of the 1st Class of the 67th Madras Government Lottery; consisting of 500 Tickets, as per following scheme, in two classes:

SCHEME.

First Class.

1 Prize of			11 Tickets
1 Ditto of			6 Do.
1 Ditto of			4 Do.
1 Ditto of			3 Do.
6 Ditto of	1 Ticket	each	6 Do.
12 Ditto of	½	Do. ..	6 Do.
24 Ditto of	¼	Do. ..	6 Do.
104 Ditto of	⅛	Do. ..	13 Do.
150			55

Second Class.

1 Prize of		Co's Rs.	5000
1 Ditto of		,,	2000
1 Ditto of		,,	1000
1 Ditto of		,,	500
4 Ditto of ..	200 each	,,	800
8 Ditto of ..	100 ,, ...	,,	800
22 Ditto of ..	50 ,, ...	,,	1100
112 Ditto of ...	25 ,, ...	,,	2800
200 Ditto of ..	5 ,, ...	,,	1000
350 Prize		Co's Rs.	15000

1500 Ditto of the 1st class.

509 Prizes

The price of a Ticket in the 1st class is Co's Rs. 16
The additional price of a ticket bought and not Drawn in the 1st class is..... ,, 27
The price of a Ticket in the second class is ,, 43

1st. No ticket will be renewed into the second class, unless the ticket of the first class be produced, or the full price of the ticket in the second class be paid.

2nd. The renewal of tickets into the second class, will cease Ten days before that which may be fixed for the first drawing of that class, and all unexchanged Tickets will then be disposed of for the full price of that class, without reference to unrenewed First Class Tickets which may be held by parties.

3rd. The price of the Tickets will be liable to augmentation during the drawings of the second class.

4th. The prizes of the first class will be distributed 2 days after the drawing of that class is terminated.

5th. The prizes of the second class Tickets, payable at the office of the undersigned, Ten days after the conclusion of the drawing—No prize Tickets will be discharged, unless presented for payment within one year from the conclusion of the drawing of this Lottery.

6th. A deduction of Ten per cent, will be made from all prizes of the second class.

7th. The Tickets will be ready for sale on Wednesday the 2d September 1840, and no Tickets will be delivered until paid for; the drawing of the 1st class will take place on Tuesday the 20th October 1840, the result of which will be inserted in the public papers for the information of our subscribers.

8th. Applications for tickets in the 1st and 2nd class to be made at the office of the Projectors, opposite to the General Post Office.

9th. Up-country applications are requested to include the amount of Postages in their remittances.

10th. The sale of Tickets will cease an hour before that fixed for the drawing.

11th. The projectors would feel thankful to any of their Subscribers, who may choose to witness the drawing of this Lottery, and undertake the duty of commissioner as Superintendants.

12th. There will be only one Drawing in the first class, and two Drawings of the second class; 150 Tickets will be drawn on the 1st day, and 200 Tickets will be drawn on the last or 2nd day's drawing.

13th. The Capital prize of 5,000 will be put into the wheel on the last or 2nd day's drawing.

WITHULDASS, BHOYCHUND AND Co.
Projectors.

BOMBAY MINOR LOTTERY OFFICE:
Opposite to the Gent. Post Office,
2nd September, 1840.

CONTEMPORARY SELECTIONS.

TIMES, SEPTEMBER 2.

Postscript, 12 *O'clock.*

We have just received two very important letters, which leave, at last, unhappily, no doubt of the disastrous fate of Kelat. The information the two writers convey, so far as pertains to Kelat, is to the same effect in all material particulars; and, we are sorry to say admits of no further questioning.

SUKKUR, 13*th August*, 1840.

The death of poor Brigadier Stevenson has spread a sad gloom amongst us. Little did we think a short time ago that he would be the next to be numbered with those who have gone to that bourne from whence no traveller return. Congestive fever with great determination to the head appears to have been his disease, of which I heard Rooke and Billamore died. The event could not have occurred at a more unfortunate period for the Public Service. A crisis of a most important nature in affairs of Upper Scinde had arrived. The Garrison of Kahan long beseiged and blockaded by the Murree tribe which Brown and his party so gallantly defended was running short of provisions, and it became absolutely necessary to despatch a large force to throw in supplies. This the Brigadier had arranged and just as he was taken ill the time for marching had arrived. He also had taken great pains to make himself acquainted with the localities of the country—its resources—and had made dispositions for the approaching campaign after these cut-throat Beloochees. Hence his death must be felt at such an important period. Major Forbes, 2nd Gr. senior Officer is now acting Brigadier. A gallant band left us yesterday in high spirits to relieve the garrison of Kahan where Brown has been so long cooped up. The Beloochees appear to have formed the determination to starve him out. Information was received just before their leaving that the Beloochees had got intelligence of their coming and had collected a very strong force and was determined to resist the passage thro' the Hills. And as it is well known that their confidence is greatly increased by their success over poor Clarke. Most truly do we wish it and that *for once* they will shew a *bold* front, for then an opportunity will be afforded the gallant troops to read them such a lesson on Military discipline, that they would never forget it, and give them the chastisement they so richly deserve. The success which in this way would surely result to the little army might have the happy effect of settling the numerous wild tribes which inhabit these mountain fastnesses; who now appear ready for any murderous and desperate undertaking. The force is as follows:—

1st Gr. Regt. about 600 men.
Left flank 2d Gr. Regt. about 95 men.
1 Company Golundauze with 4 Guns.
300 Irregular Horse.
A detachment Pioneers.
600 Camels with provisions, &c. &c.

That part of it which was at Sukkur marched 12th August.

The weather is much improved. The southerly winds blow steadily and in the evening pretty strong. The thermometer in the day seldom exceeds 102*d*. It is still very hot out of doors, and evenings close, but the nights and mornings are very pleasant. No rain has fallen this season, excepting one thunder storm shower in July. Rumours, and flying reports reach us of intended reliefs after the rains. Ardently do we all hope it may be true. We have heard the Bengal 38th Regiment from Ferozepore has been ordered to Sukkur immediately boats can be procured. There have been no letters from Quetta for some time. The last accounts mention the death of poor Mrs. Travers there—neither has there been any from Khelat. Native reports will have it that Khelat is taken by Meerab Khan's son and that Shaw Newaz has given in to him. Some of us believe this—others do not. The last letters from Capt. Loveday stationed there mentions that they were all safe—but these letters were dated sometime back, perhaps about a month. August 14, to-day's post brought a letter from an Officer at Pullajee (the entrance of the Hills) saying a messenger had come to him in the morning, informing him that the Beloochees had attacked the Garrison at Kahan—had taken Brown prisoner and killed every soul within the Walls: We do not credit the report, doubtless there has been a fight. However the first report of poor Clark's affair reached as in the same way, which we at first disbelieved but in the end proved unhappily too true. We are all most anxious to gain further intelligence, and sincerely trust the whole rumour may be untrue. The force under Major Clibborn is pushing on and we only wish the 100 men of H. M. 40th, now here were with them. These fine lads from the Emerald Isle would be just the thing to let the Beloochees see what the European Soldier can do;—as the post does not leave to-day, I will keep this open for another day's post from Pullajee. This is the way we have been kept on the qui vive during all the hot season. If our late Brigadier had had his own way he would never have occupied Kahan. It was a false move of the Politicals and by it the Beloochees have been driven desperate and made our mortal foes. We have brought the Hornet's nest about our ears and nothing now remains but a dreadful war of extermination. The Chief whose son was killed in the affair with Clarke has done nothing but wander about vowing under the most awful oaths, never while life shall last to cease murdering every feringee he can come in contact with. *August 15th.* No more news to-day about Brown and his garrsion at Kahan. We are yet in the dark as to his real situation. Major Clibborns' force is pushing on at a quick rate to his relief so we shall soon know something certain. But official information has been

received this morning from Captain Loveday at Khelat; which letter being in his own hand writing, and sent to the Politicals may be relied on. Loveday with 30 Sepoys after a desperate defence of Khelat for 3 days surrendered. Shaw Newaz capitulated to Meerab Khan's son on condition that Loveday's life should be guaranteed. He is therefore a prisoner but adds in his letter "that he is doubtful whether the terms will be observed." The posts of Dadar and Bang are now threatened by Meerab Khan's Son, so that altogether our position in Upper Scinde is very ticklish. Should the report of Brown's party at Kahan being all murdered be true our misfortunes are about at a climax. Now are we reaping the abundant harvest of the seeds sown last year of our political blunders. I need add no more—here is enough startling news to satisfy the most craving appetite for some time. If the good folks in Bombay can sleep quietly without dreaming of Beloochees cutting their throats they are lucky and better off than we are. Should any of your sleek well fed lads there be suffering from being overfed and symptoms of indigestion be coming on, a change to Sukkur would do them all the good imaginable. The *excitement* of body and mind at the present period would dissipate all *ideal* complaints; and a Beloochee or two would give them wonderful activity to the total eradicating every dyspeptia symptom—It would remove the obesity so conspicuously seen in the dignified movements of its aristocracy, and give a muscularity to the legs which would well adapt them for running.

August 14, 1840.

The news from Kelat on the date of the 30th of July was, that the son of Mehrab Khan, (Mahomed Hussain, otherwise, Meer Nusseer Khan) has possessed himself of Kelat, surrendered by Shah Niwaz Khan. It appears that, on the 24th Instant, Meer Nusseer Khan arrived before Kelat with a force amounting to about 3000 rebels, and commenced an attack which continued for some hours, when they were repulsed with a trifling loss by Shah Niwaz and about 50 men within the Town. On the night of the 25th the attack was renewed, and their efforts were directed against the Eastern gates—the Mustong and other gates being in the charge of Lieutenant Loveday. About midnight an alarm was given that the enemy had forced the Western wall, which proved correct. Lieutenant Loveday immediately sent aid to the party who were guarding this wall, and the assailants were again repulled with heavy loss; between 30 or 40 however had made good an entrance, and were taken prisoners confessing as they were so, that the Brahoes, who had charge of the wall, encouraged the attack. From this moment the hapless and betrayed Shah abandoned all hope of defence, and the conviction of the inutility of his efforts became strengthened from the report which immediately spread that the Brahoes were all secretly disposed to favor Nusseer Khan. Shah Niwaz at once determined to capitulate, and resigned the musnud of Kelat on condition that he, together with his family, should be respected and allowed to retire in safety to Baghhana—with the added stipulation of protection to the escort, person, and property of Lieutenant Loveday.

We have just received letters from Kurachee to the 28th ultimo, which state that the force under Capt. Brown has been attacked, that their assailants have been defeated with great slaughter.

The subjoined was received by us after the preceding communications had gone to press.

DADUR, *August 4th* 1840.

A letter from Captain Bean has been received dated July 18th, Quetta, in which he says "the Rebels under the young Khan left yesterday. I was obliged to retreat into the Fort and they continued popping at me for seven days from behind every bush, but have not done me any mischief; I have only lost 1 sowar killed, but they have looted every village in the valley and carried off every thing they could lay hands on. Captain Bean gives no accounts of the number of the rebels that he killed. I suppose he must have killed several, having 3 guns at Quetta. His Force consists of 250 Infantry including Beloochee gunners for these guns, and I believe he has about 80 of the Shahs cavalry. We have since received a letter from him in which he says a Regt. of the Shah's (mentioning the name of the officer commanding) with two guns and 150 Affghan horse have arrived on the 21st July. We have again heard from Quetta three days ago giving no other news than the death of Mrs. Travers, who died after her confinement from anxiety and frights brought on by these rebels. We do not get letters regularly, as the Murrees are in the Pass to cut off the Tappal, and have murdered several of the men Macpherson sent up from this. Syed Mahomed Shriff, the Rawn of Cutchee, says "there is great treachery on the part of the Shah and that he is of the same caste and tribe as the young Khan himself," (a Brahoe.) It appears that the Shah had no force hardly at Khelat, only between two and three hundred men, and there is a man living in the Fort a Brahoe chief, who has 130 men of his own with him and that the Shah has quarrelled with him, and as in case of an attack this man would no doubt turn treacherous and throw open the Gates to the youngster; the Shah is not much to be blamed for his policy in this affair. *More authentic intelligence still arrived last night from Gundava* at the foot of the pass of which place Mahomed Sheriffs son is the naib, and he tells Khabar that the Gates were thrown open about the 29th of July and that the youngster and his Force took possession without firing a shot, but that Lieut. Loveday the Political Agent who had only 30 of the Shah's Infantry, made a resistance and killed 9 of the Brahoe Rebels, but that the Shah had intreated the youngster to spare the life of Lieut. Loveday and that he *had* done so.

Civil Appointments, &c.

TERRITORIAL DEPARTMENT.

REVENUE.

Bombay Castle, 28*th August* 1840.

Mr. R. Keays, first assistant to the collector of Kaira, is allowed an extension, for sixteen days, of the leave of absence granted to him on the 3rd April last.

Mr. E. Montgomerie, collector of Sholapoor, took charge of the collectorate from Mr. Blane, on the 10th instant.

Bombay Castle, 1*st September* 1840.

The leave of absence granted to Mr. J. Webb, in the judicial department, on the 12th ultimo is cancelled from the 30th idem, and that gentleman is permitted to visit, on duty, en route to Ahmednugger, the Sheep Flocks at Joonere, Kewra and Aligaum.

POLITICAL DEPARTMENT.

Bombay Castle, 2*nd September* 1840.

W. S. Boyd Esq. received charge from Mr. Malet, on the 20th ultimo, of the office of political commissioner for Guzerat and resident at Baroda.

Mr. Thomas Ogilvy, 2nd assistant to the political commissioner for Guzerat and resident at Baroda, is allowed leave of absence on sick certificate, from the 1st July to the 1st November 1840.

By order of the Hon'ble the Governor in Council,
L. R. REID. *Chief Secy.*

GENERAL DEPARTMENT.

Bombay Castle, 29*th August* 1840.

The Reverend F. J. Spring. A. M. chaplain of Karrack, is allowed leave of absence from his station for one month, from the date of his departure, for the purpose of visiting Bussorah, and Bagdad.

Bombay Castle, 1*st September* 1840.

G. H. Pitt Esq. 1st assistant collector and magistrate of Tanna, is permitted to proceed to England, for a period of three years, for the benefit of his health.

Bombay Castle, 2*nd September*. 1840.

Henry Lacon Anderson Esq. appointed by the Hon'ble the Court of Directors a writer in the civil service of this presidency, having arrived on the 10th ultimo, from England, per ship Northumberland, is admitted on the Bombay establishment from that date.

JUDICIAL DEPARTMENT.

Bombay Castle, 2*nd September* 1840.

Captain A. F. Bardet, assistant magistrate of Poona, acting commandant of the Poona police corps, and superintendent of the city police, assumed charge of his duties on the 17th ultimo.

By order of the Hon'ble the Governor in Council.
W. R. MORRIS. *Secy. to Govt.*

GENERAL ORDERS.

MILITARY DEPARTMENT.

BY THE HON'BLE THE GOVERNOR IN COUNCIL.

Bombay Castle, 27*th August* 1840.

No. 534 of 1840.—As a temporary arrangement, Mr. R. C. Knight is appointed an Acting Assistant Surgeon on this establishment.

Bombay Castle, 28*th August* 1840.

No. 535 of 1840.—Lieutenant J. R. F. Willoughby, of the 25th Regiment Native Infantry, is allowed a furlough to Europe, for the benefit of his health.

No. 536 of 1840.—By a resolution passed in the Secret Department under date 26th instant, the services of Lieutenant Studdert of the Bombay Engineers, have been placed at the disposal of Envoy and Minister at Cabool, subject to the confirmation of the Government of India.

No. 537 of 1840.—Acting Assistant Surgeon Dent, is placed at the disposal of the Superintendent of the Indian Navy, for the purpose of relieving Assistant Surgeon Jephson, who is placed at the disposal of His Excellency the Commander in Chief, for military duty.

Bombay Castle, 1*st September* 1840.

No. 538 of 1840.—The Honorable the Governor in Council is pleased to publish to the Army the following extracts, Paras. 1. & 2 of the Honorable Court's letter, No. 35, dated 10th June last.

1. The undermentioned Officers have been permitted to retire from the Service, vizt:—

Captain C. H Johnson, this vacancy has effect from the 5th July 1839.

Lieutenant James Vincent, this vacancy has effect from the 23rd October 1839.

2. Lieutenant A. B. Rathborne, and Lieutenant C. G. Calland have been granted additional leave for six months.

Bombay Castle, 2*nd September* 1840.

No. 539 of 1840.—An order by Major General Sir John FitzGerald, under date 17th August 1839, attaching Assistant Surgeon Jopp of Her Majesty's 2nd or Queen's Royals to Her Majesty's 4th Dragoons until further orders, is confirmed.

No. 540 of 1840.—Captain C. Hunter, Paymaster S. D. A. resumed charge of the Pay Office at Belgaum on the 22nd ultimo

No. 541 of 1840.—Acting Assistant Surgeon Knight, directed to assume medical charge of the Flotilla on the Indus, for the purpose of relieving Assistant Surgeon Durham, whose services are required in the Military Department,

No. 542 of 1840.—Captain H. James, of the 18th Regiment Native Infantry, is appointed Commissariat Agent at Baroda, vice Brown directed to join his Regiment under orders for Scinde.

By order of the Hon'ble the Governor in Council
E M. WOOD, Lieut. Col. *Secy. to Govt.*

Military Arrivals and Departures.

ARRIVALS.

Sept. 1st.—Lieut. R. Shaw, from Poonah,
do, 3rd. Ensign J. G. Moyle, Infy., from England.
do. do. Vety. Surgeon Henry Fraike, Cavy., from England.
do. do. Lieut. J. Pottinger, Artillery, from England

DEPARTURES.

Sept. 2nd.—Capt. Woodburne, 25th Regt., to Scinde.
do. 4th. Supg. Surgeon A. Henderson, to Poonah.

Marine Department.

Bombay Castle, 28*th August* 1840.

No. 86 of 1840.—Acting Assistant Surgeon Dent is placed at the disposal of the Superintendent of the Indian Navy, for the purpose of relieving Assistant Surgeon Jephson, who is placed at the disposal of His Excellency the Commander in Chief for military duty.

Bombay Castle, 1*st September* 1840.

No. 87 of 1840.—The Honorable the Governor in Council is pleased to publish to the Indian Navy the following Extract, para. 1st of the Honorable Court's letter, No. 42. dated 1st ultimo.

"We have permitted Lieutenant G. B. Kempthorne of the Indian Navy, to return to his duty at Bombay, Overland, via Egypt.

Bombay Castle, 2*nd September* 1840.

No. 88 of 1840.—Acting Assistant Surgeon Knight, is directed to assume medical charge of the Flotilla on the Indus, for the purpose of relieving Assistant Surgeon Durham, whose services are required in the Military department.

By order of the Hon'ble the Governor in Council.
E. M. WOOD, Lieut. Col. *Secy. to Govt.*

NOTIFICATION.

Notice is hereby given, that it is the intention of the Hon'ble the Governor in Council to despatch a Steamer, with a Mail for Suez, on Wednesday the 30th of September next.

By order of the Hon'ble the Governor in Council.
E. M. WOOD, Lieut. Col. *Secy. to Govt.*

Bombay Castle, 8*th August*, 1840.

Shipping Arrivals and Departures.

ARRIVED.—Sept. 2nd, French Ship of War Dordogne, Capt. Guillain, from Muscat 29th July.

Do. 3rd, Ship Dartmouth, Edward Jacob, Master, from London Downs, England 19th May. *Passengers.*—Mrs. Pottinger, Lieut. Pottenger, Bombay Artillery; Lieut. Dowman, H. M. 40th Regt. Lieut. Martin, H. M. 18th Regt C. Carey Esq. H M. 40th Regt. John A McGowan Esq. H. M. 40th Regt. John Moyley Esq. Cadet, H. Treake Esq. E. I. C. Service, Mr. Young Freemariner, 158 Men H. M. 40th Regt. 2 Women and 1 Child.

Do. Barque Col. Burney, C. M. Crisp, Master, from Persian Gulf, left Bussora 24th July, Bushire 8th and Muscat 27th Augt. *Passengers.*—6 Armenians 2 Women 2 Boys and 1 Jew.

Do. H. H. Imaum of Muscat Yacht Prince Regent Alley bin Mahmed Nacodah, from Zanzibar 15th Augt.

SAILED.—Sept. 2nd The E. I. C. Steamer Cleopatra, Lieut. F. P. Webb, Comg., to Kurratchie

Do. Ship Earl of Clare, James Scott, Master, to China *Passengers.*—Mrs. Scott and family.

Shipping in the Harbour.

R. I. C. VESSELS.	E. I. C. STEAMERS.
Receiving Ship Hastings.	Hugh Lindsay.
SCHOONERS	Berenice.
Shannon,	Ceylon Govt. Steamer Seaforth.
CUTTERS.	
Margaret and Nurbudda.	

Merchant Vessels.

ENGLISH.

Clarendon.	Westmoreland,
Mahamudy.	Cumbrian.
Adele.	Monarch,
Sir John Herschel.	John Campbell.
Julia,	Leonard Dobbin.
Crown.	Northumberland.
Colchester,	Kingston.
Lord Auckland,	Julius Cœsar.
John,	Thomas Bold
	Dartmouth.

COUNTRY.

Benares,	Caledonia,
Canderbux.	Essavie
Doulut Savoy,	Good Success.
Lady Grant.	Maria.
Pittamber Savoy.	Ruby
Caroline,	Futhal Hair.
Charles Forbes,	Westbrooke,
Sir Wm. Wallace,	Benares.
Soobrow.	Burney.
Colonel Newall.	Prince Regent H. H. M.
Atiet Rahimun.	

FRENCH.

Dordogne.	Brig Simplicia.

PORTUGUESE

Vessels expected to Sail.

Vessels.	Agents.	Destination	To Sail
A Steamer.....	Spt. I. Navy.	Suez.. .	30th Sept.
Lord Auckland.	Dirom, Carter and Co.. ..	London ..	10th Sept.
Cumbrian.....	Foster and Co.	London ..	10th Do..
Kingston..	Skinner & Co.		
Colchester.. ..	Ritchie Steuart and Co.. ..	Liverpool	31st inst.
Leonard Dobbin	Mc'regor B.Co	Liverpool	dispatch
John Campbell.	McVicar B.Co,	Do.. ..	dispatch
Clarendon.....	Ritchie, Steuart and Co.....	Moulmein	dispatch
Hannah	T. Jefferies&co.	Singapoor.	
Sir W. Wallace	T. Jefferies&co.	Calcutta..	dispatch
Sir J. Herschel.	.....		
The Ceylon Govt. Steamer Seaforth..... ..	Frith..... ..	Colombo..	1st Sept.
Northumberland	Skinner & Co.	Calcutta..	10 Sept.
Atiet Rahiman,	Capt. Lugrin .	Do.. ..	dispatch
Caroline..	Aga M. Rahim	Persian G	dispatch.
Westmoreland,	W. Nicol & Co.	China.. ..	1st Sept.
Good Success..	J. Jeejeebhoy...	Do.. ..	1st Sept.
Monarch.....	McVicar B. Co,	Do.. ..	10th Sep
Julius Cæsar . .	.....		
Thomas Bold ..	McVicar B. Co.		

Diary of the Week.

Sept. 4—Friday.—{Moon First Quarter.—Fort of Aleeghur taken 1803.
5—Saturday.
6—Sunday.—12th Sunday after Trinity.
7—Monday.—Enurchus.
8—Tuesday.—Nativity of B. V. Mary.
9—Wednesday.
10—Thursday.—Battle of Delhie, 1803

Time of High Water.

SEPTEMBER 1840.	MORN. H. M.	AFT. H. M.
4th Friday.....	3 49	4 14
5th Saturday.....	4 42	5 21
6th Sunday.....	6 2	6 45

RATES OF BOMBAY GOVT. STOCK, 22ND AUGUST 1840.

4 per Cent—1835 | 36. at 98-8 to 98-12
4 per Cent—1832 | 33. at 104-8 to 104-12

Domestic Occurrences.

BIRTH.—At Mazagon, on Wednesday the 2d instant, the Wife of Mr. E. L. Vallancey, Clerk to the Secretary to the Clothing Board, of a Son.

To Correspondents.

We beg to inform our Correspondent "CORREGIDOR" that attacks like his on a Public Board should not only be substantiated by facts, but by real *names*, and that when he states instances of favoritism to have occurred, he should point out the parties aggrieved, and likewise be ready to prove the *animus* of the conduct he describes. The present is from an anonymous writer. We think the letter would come under the law of libel. However when he can give us *proofs* and names, we shall be most happy, as we are at all times, to bring to the notice of the Public, the abuse of power complained of.

"Nothing extenuate, nor set down aught in Malice."

THE GAZETTE.

Friday, September 4, 1840.

The following is the Shipping report since our last; September 2, French Corvette *La Dordogne*, Captain Guillain, from Muscat 29th July; Sept. 3, Ship *Dartmouth*, E. Jacob, master, from London 19th May, [illegible] Imaum of [illegible] Bin Hon[illegible] August [illegible] M. C[illegible] by this [illegible] Embassy sailed from M[illegible]

We have given a full, true and particular report of the Trial of Captain D. G. Duff of the 16th Regiment N. I. in this day's Paper, which has taken up so large a space in our Columns that we are obliged to lay aside our Extracts and much other matter which we had ready by us, conceiving that our Subscribers and particularly those of the Army would be well pleased to read and judge for themselves, of the grounds on which an Officer of the late Prisoners standing in the Army and general character, could for such a number of months be exposed to injurious suspicion and painful suspence. We are really happy to congratulate him on a full and honorable acquittal, and looking at the whole of the evidence we cannot see that any body of conscientious men could have come to a different conclusion.

The Calcutta Papers of the 17th and 18th of August came in after the 19th a tolerable proof of the excellency of the Dawk arrangements. To day we have received those of the 20th and 21st, but they contain no news of any description, excepting wars and rumours of Wars with Nepaul, for the rest all the Editors seem to be running a muck with one another and accusing each other of plagiarism!! Could they not content themselves with Solomon's Aphorism "That there is nothing new under the sun" and "*what has been shall be*"? Surely Calcutta the would be City of Palaces ought to be wide enough for them all.

A Friend in Guzzerat writes that about Ahmedabad the Crops are beginning to look poorly for want of rain, that a meeting of the Sporting community had taken place at the Station at which it was determined to reestablish the Ahmedabad Races and a Subscription had been set on foot and sufficient money realized to fill all the purses proposed in the Bill of Fare. We congratulate the Lovers of the Turf in Guzzerat at this addition to their favorite pastime, and trust to receive an account of the proposed Races from the Stewards at an early day.

We have just heard from one who has seen a letter from the spot, that Lieut. Loveday reports Shah Nuwaz had capitulated. The terms to be allowed are for him to be permitted to retire with his Family to Baghana his Native Place, and that Loveday and his Detachment were to proceed to Quetta or where *they* liked. Mr. Masson was concealed in the Town, on hearing which Loveday sent for him, and they are now together. Loveday was not permitted to depart notwithstanding the terms granted by Nusseer Khan, and was asked to write his Dispatch to Bean in Persian, but refused under pretence that Bean at Quetta would imagine him under restraint, and the articles of the capitulation broken. We rather fancy the new Khan will find he has played a losing game, and that a few short hours will be the brief period allotted to him to strut in regal state. The Troops now pouring into Scinde will again teach him the vanity of human wishes, and the instability of earthly Thrones.

Our Contemporary of the *Times* in his Postscript of Wednesday Evening has at length established the fall of Khelat, and by a letter from Lieut. Loveday to the Politicals, even this success appears partly owing to treachery, and that if the Brahoes had been staunch, Nusseer Khan might have hammerd a long time at the walls of Khelat before he had got in. We are delighted that our doubts of the capture of Kahun, were well founded. That gallant detachment had every motive for desperate bravery that could excite the courage of man. The honor of maintaining their post with the eyes of all their countrymen on them The desire of revenge for the slaughter of their brave comrades under poor Clarke, and their our lives which depended on the maintenance

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of the Fort. We trust that no such errors will be again committed in Scinde as have signalized the management of the military arrangements there during the past year, and that no pitiful economy will again hazard weak outposts in the heart of a deadly enemy's Country, when they can neither be maintained with any prospect of honor or success, nor speedily relieved if pressed beyond their strength by an overwhelming host of murdering Marauders.

We perceive the Supersession Question is being taken up in style by the Bengal Papers. What is the Bombay Army about that not a voice has been lifted up against the dictum of the Horse Guards, which goes to blight the prospects of so many gallant Officers at the head of the Army. The Subaltern forgets perhaps that in time he may live to be a candidate for a Brigade, and the Jolly Captain contemplates such an event as a far off, *aspiration*; still each may realize the bitterness of such a measure. Our Brother in Calcutta advocates a simultaneous Petition from the whole of the Three Indian Armies. It should be an indiscriminate and *universal* one, each man of every Rank of whatever presidency should put down his name according to Army Seniority. The Court of Directors are said, and no doubt truly, to be favorable to the claims of their own Officers, *then with* WHOM *does opposition rest?* why, the Board of Controul, and the Horse Guards. If no other means remain, a Bill should be carried into the Legislature. A man should never abandon his own rights and the Indian Army have a special claim to the sympathies of their rulers at home. India is to the Service almost perpetual exile. The days of Poverty as a Sub, prevent the matured Captain from revisiting his Native Breezes, and as he advances in Life, new ties bind him stronger to the land of his adoption, and he dies on the soil where his best energies have been exhausted, why then should the honors and comforts which by right await the Veteran in these sultry climes, and cheer his declining years, be witheld in favor of men whom superior fortunes have enabled to mount to higher grades in the Queen Service while yet young and flourishing? We call upon our former Brethren of the Service to be up and stirring. Their avenue to future honor is closed, they must force a passage at the point of public opinion.

Indian Intelligence

CALCUTTA.

ENGLISHMAN, AUGUST 15.

We have a word to say, for *our own* sakes, to our friends in Affghanistan, and then a word, for *theirs*, to those high powers in whose hands lie the arrangements for the next relief—whenever that is to be. First, then, our friends in the abovenamed quarter (and their name is 'Legion,' for there are many of them) do sometimes use a little too much haste in rating us for not taking up certain matters, which from time to time they specify, but which *have* been taken up by us—in some cases with iteration—long before we receive the flipping flapper! The secret is that our correspondents do not remember (except to forget) to calculate the time which the dawk takes, between *their* wind and *our* nobility,—that is, to come from *them*, bearing the breath of their displeasure to *us* in allthe ease and moral self-satisfaction of men, who like the empty bottle called for shortness a Marine, have already done our duty, and are prepared to do it again. Thus, we receive a letter suggestive of an editorial, and supplying us with abundance of the raw material which the, not incapable but modest, writer declares—his own very letter refuting him—that he is not qualified to put into publishable form and pressure. Well, if we have not already handled the subject, or if we perceive (by the new light afforded to us) that we have not sufficiently done so, we take it up instanter, 'and do, and do, and do,' just like the 'rat without a tail,' which the old witch in Macbeth assures us was in the habit of *doing*,—at least in the opinion of all sage readers of that tragedy who misapprehend the text. In about five weeks after our editorial has appeared, and four after the Governor General, with his usual deference and promptitude, may have acted upon its advice, in comes a second letter filled with a *wig* for our inattention to the first, which wig would never have been thought of had an accurate dawk-calculation induced the inditer to wait for one week more. It requires, we should say, two calendar months during which for the correspondent in Cabool or Candahar to lay the bridle of patience on the neck of expectation, before he can hope for an answer to his remonstrative epistle, by even return of dawk,—and should his letter reach *us* on a Friday evening, we can do nothing' in the publishing line' with it until the third day (unless we send it to Grandmother, for what is *her*, custom of an afternoon') beyond giving an item or so—if it contain news—without comment, on the following morning. Two days since we received a letter from a friend at Candahar, which was dated the 11th ultimo, and in which was the symptom we have spoken of, of a too hasty conclusion regarding our remissness. It is there written:—'I can assure you that I have neither ceased to read the *Englishman* nor to take a lively interest in its welfare; and I therefore trust you will pardon my telling you [that we do, cordially, for we know he is a true friend] that *great disgust* prevails throughout Affghanistan, among the supporters of the *Englishman*, for its apparent desertion of the cause of the *overworked* and *worn out* soldiers, forming the remnant of the army of the Indus, whose relief the Military Chronicle is *considered* pledged to advocate, with *unabated* zeal and vigour, until that desirable object is attained. The whole press of India, I believe, stands similarly pledged, but all here look upon the silence of the leading journal on military matters as *unpardonable*, the subject being of equally great importance to the Government as to individuals, whose losses have been ruinous.'—Now if we had felt deserving of this rebuke at the time of reading it, our discomfort would have been great; but as we knew that, long before that period, all Affghanistan would have perused our articles on the subject of the relief, which articles,—especially one,—put the matter strongly to the Government on the ground of *good faith* towards the Sepoys, our sensations were of that gratifying nature which is usually caused by the conviction that your accuser has been refuted by anticipation, as it were, and that he is then blaming himself for having previously blamed *you*. As to the rest of the press, we candidly admit that the contemporary 'band of brothers' merit their share (which is now the whole) of the censure; for no effort, that we recollect, have they made in the premises; but assuredly it is not *our* fault if the relief of the troops in the above quarter be not yet resolved on—and we much fear that it is not. For this very impolitic disregard of the Sepoys, reasonable expectation, our own conviction is that the Governor General is, exclusively, to be blamed; for he was not ignorant of the true state of the case, and yet we have reason to believe that he did not purpose relieving the troops in Central Asia, even at a time anterior to the period when operations against Nepaul came to be seriously considered,—and *since* that period we have entertained no hopes of the consummation for which the corps in question have so devoutly wished, and which *we* have certainly not been wanting in *our* endeavours to effect. In our opinion the deplorable paucity of troops, on the Bengal side, renders it unfeasible to send a relief into Affghanistan at the same time that an *adequate* force is to be organised for Nepaul, and the 'overworked troops' must suffer from the lamentable economy of their employers which has deferred a necessary augmentation until past the eleventh hour. In our judgment almost all the harassment which the force in Affghanistan has experienced for several months past, has resulted from the comparative fewness of the troops, which has emboldened the scheming, the sanguine, the turbuenlt and the discontented spirits to work in their several ways against the puppet King's supremacy; and which has caused a perpetual 'little war' to be carried on in those regions, to the utter prevention of a consummating conquest, and its beneficial attendant, a settlement of the distracted country in prosperity and peace. We do not, indeed, imagine that Lord Auckland, by not timously relieving the entire Army of the Indus, foresaw that his neglect to do so would be the means of dotracting its stay there to the indefinite period which is now likely to see it in occupation. Our belief is, that he thought he should be able to withdraw our forces wholly, and leave Shah Shooja to his self protection; but is he have written home under such an impression as he seems to have acted upon here, we apprehend the result will be some detriment to his character for sagacity, and that he will appear more in the light of an over sanguine statesman who desires to make a triumph *appear* complete, before it really is so, than of a sagacious ruler who calmly and presciently considers all the bearings of a great question, and draws just conclusions from comprehensive promises. At present, as far as *we* can see before us, there cannot be *both* a complete relief in Central Asia, and a properly carried on war with Nepaul; and strong as our conviction is that there ought to have been a relick we could not conscientiouslydvdvocate it now, if it could only be effected by weakening the vigour of the contemplated hostilities. But if we obtain any information which may be comforting to the remnant of the Army of the Indus, and which we think is to be relied on, we shall not fail to communicate it to them as fast as the dawk can bear it; and meanwhile we trust our friends there will continue to supply us with all legitimate arguments in their favour which can be drawn from the actual state of affairs in that war-worn country. We shall still, at every fitting opportunity, advocate their relief; because, although we consider the intra-provincial army to be unequal to supply the means for that urgent measure, in the present posture of Nepaulese affairs, we consider that, so pressing is the demand for an augmentation, if the expected and most necessary war be actually declared, the Government would be justified in *most strongly* urging on the Court the extreme impolicy, if not danger, of any further postponement of that at last inevitable measure.

ENGLISHMAN, AUGUST 17.

Letters from Moradabad dated 5th instant, mention that the wing of the 21st N. I. commanded by Colonel Palmer had returned from Rampore, leaving a wing of the 6th N. I., two 6 Pounders, and two Ressalahs of the 2d Local Horse, to preserve the peace. The *emeute* consequent on the death of the Nawab had subsided for the present.

Bombay papers of the 1st instant speculating upon the arrival of the next overland mail, fix upon the 12th instant as the day when it will probably reach Bombay. The Government express may therefore be expected in Calcutta about the 22d or 23d instant.

In connection with this extremely interesting subject, we may mention that the Supreme Government have requested the Court of Directors to make up a small packet in London for transmission by express, and that this request was conveyed by the last mail. It will be worth the while of the merchants and others interested in an early communication to write to their friends in London to avail themselves of this opportunity.

We had the pleasure to receive, some days since, in a private form, the sentiments of an officer of intelligence and high rank on the supersession question, who, while he concurred in our own views of the matter generally, suggested that the proposed memorial, for the adoption of the three armies, should be enlarged so as to embrace more *detail* of the injury done to the Company's army by the line which the Horse Guards authorities have compelled the Directors to pursue. Our correspondent is of opinion that an alteration of the 'starting post' decree will not be granted, and, as he observes, that is all which the proposed memorial asks; but the fact is that if *that* point be not conceded, there is nothing else which could be done that could effectually protect the Company's army; for so long as the Fane-brevet *system* remains in force, its being more or less detrimental in *practice* to the Company's service will be unavoidable. If local Major Generals are to be in India at all, they must be allowed to exercise such commands as their seniority, *thus* acquired, may entitle them to; nor could the government put them aside always, even on the selection system, without doing injustice to individual merit, wounding individual feelings, and virtually punishing individuals for a fault of their position which is the work of their superiors. The radical evil consists in having the local brevet at all, and *there* lies the whole of what the Company's officers have to complain of,—namely, that they are not permitted the advantages arising from their own constitutional rules of promotion, but that Queen's officers are anomalously raised along with them to the rank of Major General, on a principle neither practised nor recognised in Her Majesty's service, and one which the line Lieutenant Colonels of that service never dream of having brought into operation when they are superseded by their brethern of their own seniority branches! There is no *reason* whatever why if the rule be not applied for their protection, in their own service, it should be introduced in their favor in respect to the Company's; and this is a point which we *know* Lord Hill has never been able to refute—so undeniably has it been put by the Indian government, through the proper channel, for his consideration. We shall probably have a future opportunity of going more largely into this phase of the question, in our desire to convince the army that neither the local government nor the Court has been wanting in maintaining their just claims and interests against a powerful enemy. And this reminds us of an erroneous idea which our private correspondent entertains, and which we dare say is nourished by many other officers,—which is, that the extraordinary privileges granted to the local Major Generals, of enjoying the benefits of both that grade and the Lieutenant Colonel's, have been voluntarily conferred by the Court of Directors. He says:—'I would therefore suggest that the Court be implored in the amended memorial not to grant privileges to the Queen's local Major Generals, which are denied to us. The distinction is invidious, and is verily a premium on the local brevet.' There are other expressions still more strongly censuring the Court, on this point, but the fact is that the said privileges are substantially no more of the Court's conferment than they are our's, and if the late orders be critically read it will be inferred that the phrase 'home authorities' which is employed in them, *significantly*, is intended to indicate that it is not the *Court* which is really the inflicting party. No, it may be depended on that nothing less than the abolition of the system will cure the evil which has been done; and although that is not likely to be conceded by the Horse Guards, so long as it can by any means be withheld, yet not without strong and persevering and unanimous exertions on the part of the Company's Officers, will there ever be even so much as a chance of remedy,—but let those exertions be confined to that one point, for the taking up some detail measures, or dwelling on a mere *effect*, will only weaken their attempt, and leave them openly to be *answered*,—for if the system is to work at all, its natural consequences cannot justly be complained of. If, indeed, we could hope for the establishment of some rule *analgous* to what now obtains in respect to the regulation of the full Colonel step, throughout the Indian Army, by the promotion to it of all Lieutenant Colonels (called ad interim 'commandants') on a par with the individual who may be promoted in the Bengal Infantry, the supersession might be considerably abated,—but that would not suit Lord Hill. If for instance, the plan were that on the regular Gazette promotion of the Company's full Colonels to the rank of Major General by the Royal Brevet, only those local Queen's Colonels should be locally promoted, whose *whole service* equalled that of the Company's Officers brought in—respectively Ensigns of the same year, in fact—the Indian Army might have less to complain of; though still it might partially say, 'why should the system be applied to us *at all* it is not in operation with respect to the seniority corps of the royal service?' Wherefore, if the army choose to memorialise at all (and if they don't, let them suffer unpitied say we) we would recommend them to adhere to the one point already suggested; for as to showing forth the unjust and cruel *results* of the Fane-brevet, we can positively assure them that the longest memorial that might be written, could not more completely inform or convince the Court of Directors, on *that* point, than the arguments of the Supreme Government have already, and long ago, effected.

ENGLISHMAN, AUGUST 18.

In some of our late private letters from Affghanistan, strong complaints are made on the subject of the six months' donation not having yet been disbursed to all the troops there. Such delay would have been most inexcusable if it had been the result of any negligence on the part of either government, or the heads of any departments, and in such case we should have been sufficiently forward in censuring the mismanagement; but upon enquiry we find that, although the delay has occurred, the *fault* has been, in some instances, in the regimental commandants and staff not having carefully enough examined their rolls, which proved to be very inaccurate, so that the bills could not be passed; and the *misfortune*, in other cases, has been owing to the exposure of the packets to the rain, by which mishap many of them arrived in Calcutta quite illegible and had to be returned. The bills of one corps, particularly alluded to in our letters, were all right, and were passed on the 8th instant, so *that* corps' hope will have ceased to be deferred full ten days before this *Englishman* arrives there. We are also strongly urged to advocate the cause of the troops which have been detained in Central Asia, so as to obtain for them the liberal consideration of government in regard to an additional six months' batta, to help to cover their unprecedented losses in equipage and cattle, consequent on the exposure and harassing services to which the troops have been continually kept. It would afford us sincere pleasure to do this, and in regard to the *officers* we think a strong case might be made out;—but there would be this difficulty in the way of government namely, that it would be impossible to give the donation to the European officers without extending the same grant to the native troops; and we believe that not only are *they* not considered to require it, but they are actually deemed to be growing too rich,—and Horace gives us an exemplification that when soldiers get too comfortable in *that* way, they experience a falling off in their professional zeal and ardor! It has not, however, come to *that* yet, with the Sepoys; but they *are* well to do, and we apprehend the case of the officers will not be separately dealt with.

HURKARU. AUGUST 17.

The Shipping Reports, since our last, have announced the arrival of the *Catharine*, Evans, from Bombay 19th July, and Madras 9th August, the *Buggyana*, Kerr, from Acheen 2d August; the *Mary Imrie*, Boyd, from the Mauritius 20th July, and the *Crest*, Wharton, from Sidney 10th June and Singapore 21st July.

The following extract of a letter from Ferozepore, dated the 2d August, we are glad to perceive, contradicts the statement, we lately published, of the fall of Khelat:

"I have this moment seen a letter dated July 21, from Affghanistan, and I hasten to put you right in respect to my last communication about the *on dit* of Loveday having been wounded and Khelat retaken. Such is not the case. Loveday at present is at Khelat-Nursen, quite safe, but his native agent, Moostung Kullung, was apprehended by a Belochee rebel. Assistance has been sent to Beau and Col. Wallace, with the 2d Regt., is in full march for Candahar, while all is quite at Cabool. The officers are amusing themselves with races, which are good, although the cattle are not known to fame. The king's movements are doubtful, he may either winter at Jellalabad or Candahar."

HURKARU, AUGUST 18.

A correspondent has written to us, to ask whether the Order of the 15th of May, 1829, limiting the number of officers, permitted to be absent from each Regiment on Staff employ, has yet been rescinded, and has complained of the injustice of Government, in bringing the said order to bear upon certain cases and not upon all. We can state pretty confidently, that the Order of 1829 has not been rescinded (if we *are* wrong, however, we trust that somebody will kindly correct us); but we have no difficulty in believing the truth of our correspondent's statements, respecting the partial application of the rule. We know that it is only partially applied—as several cases of its partial application have been lately brought to our notice. But we are not in the least surprized. A writer, in another column, has sent us some samples of a New Military Dictionary. We beg to suggest the following to him:—

"REGULATIONS (*Government*)—Conveniences—Little paragraphs brought to light, when it suits a Governor to remember them, and forgotten when it does not."

We sympathize most cordially with the troops, officers and men, Natives and Europeans, condemned to linger on, month after month, in Affghanistan, without any immediate prospect of a return to the Provinces, or even any fixed limit to their endurance. We can well understand the longings after snug cantonments, pucka houses, and "well-spread boards," of men living in mud houses, or tattered tents with very indifferent supplies and still more indifferent table furniture—the yearnings of married men for the *domus et placens uxor*, which they have left behind, and of bachelors for the *ditto ditto* in prospect. We know that it must be very dull, at times, without billiard tables or book-clubs and that, when there is no fighting on the *tapis*, it must be difficult to kill the enemy—meaning thereby neithe, Ghiljees nor Khyberries, but the arch-enemy Time; and we dare say that visions of mess-partiest stationballs, and English Ladies flit provokingly before the eye of many an exile's active fancy—nay, worse things are there still than these. Many sundered from their families are anxious and desponding—apprehensive of evil—some, perhaps, in constant fear of bad tidings and others only too certain of the mischief that has taken place. A writer in the *Agra Ukhbar* represents the English soldiers, in Affghanistan, "many of them nearly heart-broken by the frequent intelligence of their wives going astray, and their children being neglected"—and of the native soldiery asking "what will become of *their* wives and daughters, if left without money—" and we doubt not that the picture is true. The evil indeed, is apparent; but the remedy is not equally so, for we scarcely see the possibility, in the present posture of affair, of an extensive relief, at the approach of the ensuing cold weather.

We go hand in hand with our brother journalists of the Calcutta *Englishman** and the *Agra Ukhbar*, deploring the sad necessity, and recommending cheerful submission, as the best remedy under all misfortunes. We know how much easier it is to recommend endurance, than to endure, and how natural it is to complain of every apparent hardship—but still we recommend our friends to "bear up and steer right on" until

With faith abiding the appointed time,

the glad tidings of a relief shall reach them, and reach them such tidings must, though we fear not so soon, as is desired.

We feel certain that the Government will do all in their power to relieve, or withdraw the troops now in Affghanistan, with all practicable celerity. But what can they do—hampered as they are—with war threatening on every side? It is idle to say, as does the writer in the *Agra Ukhbar*, to whose communication we have already referred, that there is a greater force now in Affghanistan, than is necessary to uphold the stability of the present monarchy. The fact is, that the force is not large enough—to diminish it, at present, would be fatal to Shah Soojah and his supporters, and whether war be declared against Nepaul or not, it is plain that we can spare no troops from that quarter. We have not a position in any part of India, which we can well afford to weaken, at this present time—and we must fall back up in the old oft-repeated declaration of the lamentable inefficiency of our army. This point cannot be insisted upon too frequently or too urgently by public journalists. The Indian Army must be augmented and that speedily, or disastrous consequences will inevitably befall us. We have not a sufficient number of regiments

* There were some sensible remarks, on the subject in Saturday's *Englishman*, which we purposed to have inserted in our paper of this morning—but our columns are unfortunately overstocked and we are somewhat burthened with standing matter.

and what regiments we have are so badly officered, that they cannot be deemed efficient. We have great confidence in the zeal and courage of our native troops; but they must be well officred, A native regiment, with only half its number of officers, is only half-a-regiment; and the number of local corps, contingents, &c. which have been raised of late years, have weakened almost every regiment in the country. What we shall do, unless an augmentation takes place, when the number of Affghan corps is increased, and increased it must be before our regulars are withdrawn, we are quite at a loss to divine. To extend is ever to weaken—we shall soon be stretched out to the last possible point of tenuity—and then the chord will snap. We have been wire drawing a little toe long already. It cannot bear much further tension.

COMMERCIAL ADVERTISER, AUGUST 17.

The discussion still continues regarding the probability of a War with Nepal. It is now understood that every thing depends on the reply which may be received from Catmandoo to the ultimation forwarded by Government. The chances are that the war party will prevail; it being known that, in the Goorkha Councils, the ruling spirit is an inimical one towards the British. In the meantime it is quite evident, that there has been no insult offered to the nation in the person of our Resident, whom report gave out as having fallen a victim to Nepalese treachery. Communications received from him, at once put an end to this rumour. Government however is acting as if it anticipated unfavourable replies. The Buffs are ordered from Merut and the Fuziliers proceed to Dinapore. In the arsenal great activity prevails, and in short every thing *looks* warlike. That the knowledge of our being engaged in hostility with China, may stir up the hopes of the Nepalese, and incite them to sauciness, we think likely enough. China is at their back, and they may naturally trust to her ability for pouring some of her almost countless multitudes to assist their operations with the certainty we have no means of preventing it. The reverence of the Goorkhas for the Chinese power, may be gathered from the haughtiness they have silently and long endured, at the hands of the Chinese functionaries, when favor has been sought from the Emperor—a proof of which was afforded, when, at the close of the 2d campaign, the Chinese Ambassador taunted them with their national insignificance, and they bore his taunt much after the manner of a slave before his master. From the Burmese and they are effectually cut off; but nevertheless they may hope that there opposition will be the signal for the querulously disposed at Ameerapora, and that, in the multitude of our enemies, distraction and confusion will ensue. For these reasons, we suspect, that *war* will be the end of it. If it is to be, the sooner the better; and if we may judge by the number of European Troops it is stated will be employed, we have every right to conclude that the scale of operations will be of a magnitude to command success.

MADRAS.

UNITED SERVICE GAZETTE AUGUST 25

WAR WITH NEPAL.—— The *Calcutta Courier* of the 12 h instant states that the rumour of a war with Nepal not only freshens daily but has now assumed a shape that leaves little doubt of the intentions of Government. Twelve regiments of Infantry, says our Contemporary, in equal proportions European and Native, are to be employed on this service, and will assemble as early as the season will permit for operation against the Goorkas. The corps named by the *Courier* as likely to partake in this Campaign are H.M.'s 21st Fusiliers, 9th and 62d Foot and the 2d Bengal Europ an Regiment, with the 28th 41st and 67th Native Infantry, but here we can only discover seven instead of twelve regiments, and therefore are much inclined to place additional dependence on the intelligence lately received at this Presidency (as stated in our last) from Captain Macleod, to the effect that the Madras Government would be called on to provide two European Regiments and five Native Coaps for the expected service, tho' where such corps are to be at present found, we are at a loss to discover, inasmuch as Her Majesty's 55th Foot, which luckily is just now very strong and in tip top order, seems to be the only available regiment of Europeans, and the dispersed state of the Native Infantry, of which fifteen Regiments are now employed either with the Madras Territory or in excess of the usual complement furnished from the Coast Army, will render it difficult for this Government to comply with the above requisition and at the same time efficiently protect its own provinces, viz.

1	Regiment	China.
2	,,	Maulmain.
1	,,	Cuttack.
1	,,	Midnapore.
1	,,	Muligaum.
1	,,	Ahmednugger.
1	,,	Hussingabad.
1	,,	Jubbulpore.
1	,,	Southern Mahratta Country
1	,,	Kurnool (a new station.) 1
15		

THE MADRAS LOTTERY.—The disgraceful scenes of *riot, confusion* and *violence* that have occurred on the occasion of the sale of Lottery tickets for the last four years, have been repeatedly commented on by the Press of this Presidency, but without effect, and apparently indeed without any attempt to repress such riotous confusion. We cannot therefore feel *any* surprise at a notice put forth by some of the principal houses of Agency at this Presidency to their Constituents, stating as follows:—

That "there being no available mode of procuring Tickets *at the Government Price*, except by personal application on the day of sale, and the scenes of *riot, confusion and violence*, which have occurred at the Lottery Office on late occasions (but more especially on the last one) being likely to happen again, the attempt to obtain Tickets is attended with *a risk they cannot continue to incur*."

Now how this is to be prevented, we are quite unprepared to say, but how ask we, is it possible for the Proprietors of the Minor Lotteries to perform what they promise in regard thereto, unless they have *some very peculiar* means of obtaining a large number of Tickets at the regulated price, whilst others at great personal inconvenience and some risk can hardly procure a single one? From this fact, say we, it is abundantly evident that a *good understanding* must obtain between a *fortunate few*, and some of the individuals connected with the Lottery Office.

European Intelligence.

COURVOISIER.—We are requested upon the authority of the sheriffs to state, that the report circulated that Courvoisier mentioned to them that he had about his person at the time the police searched him ten sovereigns, which he subsequently concealed in the flooring of the cell in Bow-street, is without foundation. No such communication was made by him to them, and upon being questioned by Sheriff Evans on the subject yesterday, he positively denied ever having made such a statement. The report that the murderer communicated such information to the sheriffs has in all probability arisen from the fact that he mentioned to Mr. Cope, the governor of Newgate, in a very recent conversation, that he had about him at the time he was in the Bow-street cell ten sovereigns, which he had deposited between double stockings which he wore when he was locked up in that place of confinement, and that he had taken an opportunity to throw them down the privy attached to the cell. The governor, upon being informed of the circumstance, considered it to be his duty to go Bow-street, where the cell was examined minutely at his request. The privy, however, in consequence of some difficulty, has not been searched. Indeed, the statement is considered to be false as many other assertions made by the murderer. Sheriff Evans, in fact, gives credit to nothing that has been said by the wretch, except the brief acknowledgment that he had committed the murder with the knife, and that he had contemplated it a week before the perpetration. Courvoisier has contradicted himself a vast number of times in speaking of the details. The sheriff requested that the public should be informed that he could not possibly write answers to a twentieth part of the number of applicants to him for admission to see Courvoisier and Oxford, and that they must be satisfied to receive an assurance through the press that no one request of the kind could by any possibilility be conceded.

It is confidently reported that the Judges have come to an unanimous opinion in favour of the Manchester charter, the validity of which has been formally raised in the case of "Rutter against Chapman." We intended to have given this report a fortnight ago, for it reached us so far back, but abstained, because it came to us then on Radical authority. It has now reached us on Tory authority also, which, in such a case, we consider to be infallible. It is also reported, that the instant the opinion of the Judges is promulgated, Ministers if the period of the session permit, mean to bring in a bill to vest the police of Manchester, Birmingham, and Balton, in the town-councils of those boroughs.—*Birmingham Journal.*

A meeting is about to the held in the city for the purpose of founding a Royal park within the Tower Hamlets. The institution of such park to secure fresh air and a wholesome promenade in the middle of a dense population cannot but be advantageous to the public health. The object is supported by some of the most respectable residents in the metropolis.

REDUCTION OF DUTY ON FRENCH BRANDY.—We have received a communication to the effect that the treaty will be signed at Paris in a week or so; and the reduction will immediately follow. The amount of duty to be taken off it is supposed, will be 8s. per gallon.—*Yorkshireman.*

Last week two young fellows quarrelled at Holm Rook, and finally settled their difference by a regular up-and-down fight in the Lancashire fashion. As an appropriate conclusion to their brutality, one of the combatants bit his opponent's nose off, and swallowed it!—*Whitehaven Herald.*

M. Horace Castelli and M. Sedlatzek gave a concert on Monday morning, at the Marylebone Institution. The former of these *beneficiaries* is the son of Madame Castelli, so long a singer at Her Majesty's Theatre, who recently died. The concert was supported by all the stars of the Italian Opera, who sang a favourite selection. The instrumentalists were, besides M. Sedlatzek, Miss Meyer, who played a fantasia on the piano, M. Herz, who executed, most delightfully, a fantasia on the piano; Hauamann, who played a solo on the violoncello, and Madame de Goni, the guitarist. The room was crowded with fashionable company.

A singular circumstance occurred at the Baptist Chapel, at Witham, on Sunday evening. A preacher of that sect, who had come down recommended by a metropolitan brother, had ascended the pulpit, and was dealing out threats against this wicked world, when two uncouth beings, yclept constables, entered the fold. The pious man was astounded. He was speedily torn from his pulpit and his flock, leaving his hearers to meditate on this novel peroration. The fact seems to be, that the captured minister had been medling with some earthly matters, contrary to the views of certain old fashioned lawmakers, and he was taken away that night, duly handcuffed, to Cambridge, at the treadwheel of which celebrared town he will probably take a high degree.—*Chelmsford Chronicle.*

GRAND REVIEW IN HYDE-PARK.—Yesterday morning the Coldstream guards were recieveid in Hyde Park before Colonel Walton, preparatory to the grand review of the whole of the Household Infantry and Cavalry on Thursday next, before Her Majesty, Prince Albert, the Duke of Cambridge, the Duke of Wellington, Lords Hill and Combermere and other distinguished officers.

REPRESENTATION OF ROCHDALE.—In consequence of the intended retirement of Mr. Fenton from the representation of this borough, considerable anxiety has been shown of late about the choice of his successor. Amongst the gentlemen named as likely to be brought forward, we understand Mr. W. Sherman Crawford, late M. P. for Dundalk, is the greatest favourite. This gentleman was in Rochdale on Wednesday evening, and met a large number of the electors.—*Manchester Times.*

PENNY POSTAGE.—At the Bromsgrove Assembly Mr. Barneby, M. P. for Worcestershire, said that the Ministers were obliged to yield the penny postage from the fact of 25 members of Parliament having declared they would withdraw their support if it were not accorded to them—*Hereford Journal.*

The immaculate member for Gateshed, Mr. Cuthbert Rippon, has scarcely shown his fact in Parliament during the whole of the presene session. He was, however, hunted out of his retreat yesterday week by the Treasury whipperin, and brought to the "scratch" as one of the forlorn hope on Lord Stanley's Irish Registration Bill—for what con-si-de-ra-ti-on does not appear.—*Newcastle Journal.*

CHURCH MISSIONAYY SOCIETY.—The friends and supporters of this society assembled in large numbers yesterday in the Egyptian-hall, at the Mansion-house, for the purpose of establishing an auxiliary society for the city of London. The Right Hon. the Lord Mayor presided on the occasion, and was supported by the Bishops of Lichfield and Jamaica, the Revs. Richard Davies, B. Nell, J. Cunningham, and a great many of the leading merchants and influential parties of the city. The meeting was addressed, by the Lord Mayor, the Bishops of Lichfield and Jamaica, the Rev. R. Davies, Sir Claudius Stephen Hunter, Mr. Labouchere, the Rev. J. Cunningham, the Rev. Baptiste Noel, Mr. Blanchard, &c., by whom a series of resolutions were moved and seconded, and unanimously agreed to by those present, of which the subjoined was the foundation, the others having reference more particularly to the detail of arrangements of the new auxiliary society:—That this meeting fully recognizes the duty incumbenutqon Christians to employ all suitable means to impart the blessings of the Gospel to the heatehn, and hails with thankfulness to the great Head of the church the labours of the Church Missionary Society in the different parts of the world in furtherance of this object.' The Rev. T. Vores announced that subscriptions and donations had been already received amounting to 600*le*

IMPORTANT CHURCH TRIUMPH AT DUDLEY.—A noble triumph for the church has just been achieved here on the question of church-rate, against the united bands of Socinians, Quakers, Independents, Baptists, and Infidels. After a spirited contest of three days, the following numbers were declared at the final close of the Poll— For the rate, 728; against the rate, 309; majority in favonr of the rate, 4 19.

The Hon. and Rev. W. Herbert, who is named for the vacant wardenship of tho collegiate church of Manchester, is uncle of the present Earl of Carnarvon, and is in his 63d year, having been born in January 1778. He is married to a daughter of the late Lord Alten, by whom he has several children.

REFORM BY CONTRACTING REPRESENTATION.—On next St. Thomas's-day, the new Reform Bill of the Court of Common Council comes into operation. It reduces the number of common councilmen from 240 to 206. The total number of houses represented in the wards is 16.466, the property of which rated to the consolidated rate amounts to 855, 7241.

TORY DIFFERENCE.—The natural foremen of the opposition are Lords Lyndhurst and Stanley. A split has taken place in the party of no common import. The Duke of Buckingham is forming a junior Carlton club, of genuine double-distilled Tories. The exclusiveness of the old club had been sorely complained of, and the rank Tories with the small fry of younger place-hunters, are resolved to establish a club avowedly to neutralize the Peel tendency on "concession," and to control the constitution of the Tory government, which they expect is near at hand. Their motto will be, "No surrender;" and the political hotbed will be composed of the highest "church flyers" and the deepest-dyed Orangemen. It is easy to foresee that such palpable disunion, and such a perverse combination against the extension of popular power in these times, will render any long duratinn of a Tory ministry impossible.—*Scotsman.*

ON Sale, at the Godowns of the undersigned:—

Sherry (Pale)..	per	Hhd.	Rs. 300
Ditto (Brown).....	do.	,,	250
Ditto (do.) in 3 and 6 doz. Cases.....	per dozen	,,	15
Ditto (Golden) do.	do.	,,	16
Ditto (Pale) do.	do.	,,	18
Madeira do.	do.	,,	18
Port in 6 doz. Cases do.	do.	,,	14
Claret in 3 doz. do.	do.	,,	20
Hermitage (Red and White)	do.	,,	18
Moselle (1825 and 1834) in 3 doz. Cases.....	do.	,,	18
Hockheim (1822) in 3 doz.	do.	,,	25
Rudesheim (1834) do.	do.	,,	30
Ditto Berg (1831)	do.	,,	36
Orinto	do.	,,	15

HIGGINSON AND CARDWELL.

STEAM COMMUNICATION WITH ENGLAND VIA EGYPT.

THE DIRECTORS of the *Peninsular and Oriental Steam Navigation Company* with reference to their Advertisement of the 4th May have now the pleasure to announce to the Public in India that the Contract with Her Majesty's Government for the conveyance of the East India Mails direct between England and Alexandria has been entered into, that in consequence they expect to dispatch for Alexandria on or about the 1st September next, the Company's New Steam Ship "*Oriental*" of 1500 Tons and 450 horse power, which Vessel will start from Alexandria direct for England on or about the 21st September next and thenceforward the "*Oriental*" and "*Liverpool*" (of 1300 Tons and 464 horse power) will continue to start from England on the 1st and Alexandria on the 21st of every month.

The *Oriental* is fitted up with spacious accommodations for one hundred Cabin Passengers. A first-rate table with wines &c. will be provided on board and included in the fare which for the present has been fixed for the 1st Cabin £45 and £30 for the 2d Cabin for the whole route from Alexandria to England and *vice versa* and for the intermediate distances as follows, viz.

	1st Cabin,	2d Cabin.
Alexandria to Malta.....	£12	£8
Malta to Gibraltar.....	13	8 10
Gibraltar to England.....	20	14

an improved conveyance for Mails, Passengers, and Merchandize through Egypt is about to be formed, by the establishment of swift and commodious Iron Steam Vessels on the Nile and by extending and improving the means of transit between Suez and Cairo.

The Vessels will carry Medical Officers and the time occupied in the Passage home will be allowed in the quarantine.

Passengers desirous of availing themselves of this direct British conveyance home from Alexandria and avoiding the performance of quarantine in a Lazaretto at Malta or Marseilles will do well (until the transit from Suez to Alexandria be improved as abovementioned,) to keep pace with the Mail as nearly as possible.

Any quantity of Cargo may be forwarded through Egypt under existing arrangements in five days, and when the improved arrangements are effected in three days if put in cases of not more than 150lbs. weight and goods of any description can pass through Egypt and on to England without being liable to quarantine provided they are put in cases of *wood, iron*, or *tin* only, and without any cordage, cloth, or other susceptible substance attached to them, and provided also that they are sealed at an Indian Custom House.

Arrangements are in progress which will enable the Company shortly to carry out a line of Steam Communication between the Eastern Presidencies of India, Ceylon, and Suez.

B. M. WILLCOX, A. ANDERSON, F. CARLETON. } *Managing Directors.*

LONDON, *4th June* 1840.

TO be had at the Godowns of the undersigned, Superior Sherry in wood from the House of *Apalatagui and Co.* of Xeres.

In Butts at.....	Rs.	550
Hhd. at.....	,,	300
Quarter Casks.....	,,	150
In quarter Bottles per dozen.....	,,	18

EDMOND, BIBBY AND CO.

Rampart Row, 31st August, 1840.

THE LONDON MONTHLY OVER LAND MAIL.

A Newspaper published in London on the last day of the Overland Mail and forwarded direct to Subscribers in India, to contain every item of Army, India, and home intelligence up to the latest date collected from all the various London Journals as are specially calculated to prove interesting to British Residents in India.

Subscription 12 Rupees per Annum payable in advance—Agents at Bombay, Messrs. COLLETT AND CO. 13, Meadow Street, to whom early intimation should be given of change of residence by Subscribers.

Specimen of the London Monthly Overland Mail can be had on application to the undersigned. COLLETT AND CO.

13, Meadow Street.

CEYLON GOVERNMENT BILLS.

FOR SALE, Bills of Exchange, drawn by the Right Hon'ble the Governor of Ceylon, On the Lords Commissioners of Her Majesty's Treasury, at 30 days sight, in sets of £ 200, £ 150, £ 100, and £ 50 each. Exchange at 1 | 10¼ per Rupee. Apply to

FRITH AND CO.

Agents for the Ceylon Govt.

Bombay, 28th August 1840.

PRINTED AND PUBLISHED FOR THE PROPRIETOR, AT THE GAZETTE PRESS, NO. 5, FORBES' STREET BY A. WILLARD,

Supplement to the Bombay Gazette.

BOMBAY : FRIDAY, SEPTEMBER 4, 1840.

AT A GENERAL COURT MARTIAL *held on Tuesday the 4th of August* 1840, *and continued by adjournments to Tuesday the Eighteenth of the same month, in the Mess Room of Fort George Barracks, Bombay. All usual preliminaries in respect to the Warrant for holding the Court Martial; appointment of President, and of officiating Judge Advocate; swearing Members, &c., having been duly gone through, the Court composed of the following Members:*

PRESIDENT.

Lieut Colonel J. Pennycuick, K. H., H. M. 17th Regiment of Foot.

MEMBERS.

Major Foquett, 2nd Regt. European Infantry.	Major Hancock, 19th Regiment N. I.
Captain Johnston, H. M. 17th Regt. of Foot.	Captain Teasdale, 25th Regt. N. I.
Capt. Wynter 2nd Regt. Eur. Infantry.	Capt. Morris, 24th Do. do.
Capt. Mignan, 1st Do. of Ditto.	,, Rowland, Regt. of Artillery.
Capt. Darley, H. M. 17th Regt. of Foot.	Capt. Bromwich, H. M. 4th Light Dragoons.
Capt. Harrison, H. M. 4th Lt. Dragoons.	Capt. Maughan, 12th Regt. Native Infantry.
Capt. Wilson, 26th Regt. Native Infantry.	Capt. Bourchier, H. M. 17th Regt. of Foot.

Officiating Judge Advocate Captain Woodburn 25th Regiment N. I. proceeded to the Trial of Captain Daniel George Duff, 16th Regiment Bombay Native Infantry, placed in arrest by order of His Excellency the Commander in Chief on the following charge:

For disgraceful conduct, unbecoming the character of an Officer and a Gentleman, in having knowingly and wilfully given false testimony on Oath, at a General Court Martial holden in Cantonment near Poona, betwixt the 30th December 1839, and the 14th January 1840, on a matter deemed material to the defence, by deposing on the Sixth day's proceedings, that he (Captain Duff) did in a conversation, with Mr. William Gibbard, then an Ensign in the 16th Regiment N. I., at the Quarters of Lieutenant Munro of the same Regiment, at Vingorla, on or about the 15th January 1839, relating to a person, who had been taken prisoner and put to death by a Party of Irregular Troops under the Orders of the said Mr. (then Ensign) Gibbard, at Kowtanee in the Sawant Warree State, condemn the action of Mr. Gibbard, in not sparing the life of said Prsioner, and that he (Captain Duff) did not believe the circumstance, whereas he (Captain Duff) did in the conversation before specified (but on a date anterior to that stated by him) distinctly express his approbation of what Mr. Gibbard had then related, and advised him to make an official report of the same, through him (Captain Duff) his (Mr. Gibbard's) then immediate Commanding Officer, that he (Mr. Gibbard) might obtain the further approbation of superior authority.

Adjutant General's Office,
Bombay, 28th March 1840.

By order of the Commander in Chief.
(Signed) S. POWELL, Lieut. Colonel,
Adjutant General of the Army.

As soon as the charge had been read by the officiating Judge Advocate, the Prisoner, Captain Duff, delivered in the following statement of objections thereto:

Before pleading to the charge just read, I beg to request, that the Court would be pleased to call upon the Prosecutor, to specify the particular words made use of by me, in my deposition before the General Court Martial held at Poona on the 30th of December last, on which this charge is founded. For that deposition consists of more than four pages of foolscap paper, and, unless therefore, such specification is given, it must be evident, that it will not only be impossible for me, to defend myself, against so indefinite a charge, but also that the Court will be unable to observe, whether the evidence adduced on the prosecution, applies to the case, and whether the words then actually used by me, are, or are not, directly contradicted by the prosecutor's Witnesses. The allegations in this charge, relate to a conversation, in January last year (1839) and I am accused of having given false testimony, with respect to what I said, in that conversation. What, therefore, it was, that I then actually said, as it is alleged, should have been set forth at length in the charge, in order that the Court might have an opportunity of comparing it, with what I afterwards deposed at the above mentioned General Court Martial, and also with the evidence, which may be given on the present trial. Because this charge is, in fact, an accusation of perjury, and the law holds that in an indictment for perjury, the words, on which it rests, should be set forth exactly as sworn; but in the charge now before the Court, it is only alleged that I gave false testimony, by deposing that I had condemned the action of Mr. Gibbard, in a conversation held some time previously, whereas, on the contrary, I had distinctly expressed my approbation of it. This, however, is a mere conclusion, which may have been drawn from erroneous impressions of the real intent and meaning of what I said in that conversation. The precise words, therefore, used by me on that occasion, ought, according to every principle of law and common justice, to have been set forth in the charge; and it ought also to have been averred, that I did afterwards depose to the contrary, at a Court Martial, and the precise words of that part of my deposition, ought equally to have been set forth, and not merely alluded to, in ambiguous terms. For it is held, that in a Military charge, as well as in an Indictment, the allegations should be so circumstantially stated, that the prisoner may clearly understand the charge, that he is called upon to answer, and that the Court Martial may know, whether the evidence adduced, is relevant or not, and, if relevant whether it is sufficient for the conviction of the prisoner. On these grounds, therefore, I beg leave to submit to the Court that the charge now before it, is drawn up in so vague and indefinite a manner, that it should not undergo investigation, until it receives a more specific and legal form.

(Signed) D. GEORGE DUFF,
Captain 16th Regiment N. I.
Bombay, 4th August 1840.

The Court having been cleared to deliberate on the objections raised by the Prisoner to the original charge, and the President on its re-opening, stating that the Court did not see sufficient ground in those objections to require a new charge to be framed; the Prisoner pleaded *Not Guilty*, and the Proceedings were opened by the Officiating Judge Advocate, reading the following portions of Captain Duff's Evidence at Poona on the Trial of Lieutenant Gibbard on the Sixth day of its sitting,—Wednesday the 8th of January 1840,—as that on which he relied for establishing Captain Duff's having knowingly and wilfully given false Testimony on Oath on that occasion:—

Captain D. George Duff, 16th Regiment Native Infantry is called into Court and duly sworn.

Examined by the Prisoner. (Lieut. Gibbard.)

Q. Was I not under your Command at Vingorla in December 1838 and January 1839?

A. Yes, from October 1838 to the latter end of February 1839.

Q. In December 1838 was I detached at Sawant Warree with 150 Men with instructions to obey all orders received from the Political Agent, Mr. Spooner?

A. Yes, but I do not recollect the exact number of men.

Q. Do you remember in the beginning of January 1839, on my returning to Vingorla fro Warree, my relating to you certain occurrences which had taken place at Kowtannee a few days before, and if so, have the goodness to state what you heard me say on that occasion?

A. Yes, I heard sometime in January (about the 15th) Lieut. Gibbard one night, in Lieutenant Munro's quarters say, that one man offered him money to spare his life. I condemned the action of his not sparing the man, and Mr. Gibbard said that Mr. Spooner had desired him to give no quarter, or no quarter to be given. Such an outrage of probability, I thought too preposterous for belief; and imagined that the subject was introduced merely to promote a discussion, as to the policy or otherwise of refusing or granting quarter, and regarded it as Rhodomantade of Lieut Gibbard and did not believe him. There is an explanation of this conversation which I wish to make. In my statement before the Commanding Officer of the Regiment, I mentioned that I had heard from Lieut. Gibbard that one man had said don't kill me. Take me to the gate of Warree or Bombay, and I will give you my weight in gold, or words to that effect. This on further recollection I heard from Rama, a Drummer of the Regiment, since dead. What I actually did hear Lieutenant Gibbard say, I have above mentioned.

Q. In the month of January, the day I returned from Warree, do you recollect my telling you, or in your presence, what had occurred at Kowtanee *relating to the men who had been taken and afterwards shot?*

A. No, I do not recollect that Lieutenant Gibbard told me any thing about shooting *men* beyond the one above referred to, and had I believed what Lieut. Gibbard had said about refusing quarter, I should have put him under arrest, and reported the circumstance. but I did not believe it for a moment. I was smoking, and I think reading to the best of my recollection; and I am not certain if this was on the day of his return.

Q. After my return to Vingorla in January 1839, did I in auy way communicate to you the transactions at Kowtanee, and if so, state what they were?

A. No, I do not recollect that Lieutenant Gibbard communicated any thing beyond the prior conversation.

Lieutenant Charles Munro 16th Regiment Native Infantry is called into Court and duly sworn.

Questions by the Judge Advocate.

Q. Were you present with a Detachment of the 16th Regiment N. I. at Vingorla in the early part of January 1839,—and who was in command of it?

A. I was,—Captain Duff was in command of it.

Q. Do you remember Mr. Gibbard then an Ensign in the above Regiment, re-joining the Detachment at Vingorla from detached duty; and from what place did he come, and about what time of the month?

A. I recollect Mr. Gibbard arriving at Vingorla from Sawant Warree. It was about the 2nd or 3rd January.

Q. Do you remember Mr. Gibbard being at your quarters on the day of or soon after his return?

A. I do.

Q. Do you remember Captain Duff coming to your quarters on that day when Mr. Gibbard was there?

A. I do.

Q. Did any conversation then take place betwixt Captain Duff and Mr. Gibbard relating to what had occurred a little before at Kowtanee; and if so, state fully what each respectively said.

A. When Captain Duff came to my quarters, he said to Mr. Gibbard, I hear you have been giving it to the rebels.—Come let us hear all about it.—Mr. Gibbard then told Captain Duff that he had been sent by Mr. Spooner to a place called Kowtanee after some Rebels,—that Mr. Spooner told him to make no Prisoners, and give no quarter,—that he proceeded to Kowtanee with his men, and had a skirmish with the Rebels,—that several of them had been killed, and that some of the Warree Sepoys were bringing him a prisoner, when he waved his hand, and told them to take him away, that he did not want Prisoners,—that they took him away, and shot him. Captain Duff then said, well I am glad you have given it to them.—It serves them right.—I wish you would make a written report of it, and I will forward it on to the General, and you will get a compliment.—He would like to hear the gup.—(news.)

Q. Did Captain Duff appear to believe or disbelieve what Mr. Gibbard said: and did he approve, or condemn what Mr. Gibbard said he had done?

A. He appeared to me to believe it, and certainly did not disapprove of it.

Q. Was any other person present at the above conversation besides yourself, Captain Duff, and Mr. Gibbard?

A. Ensign Raitt 16th Regiment N. I. was present.

Q. Do you remember any future conversation taking place at your quarters, between Captain Duff and Mr. Gibbard on the above subject?

A. I did not.

Q. Did you ever hear Captain Duff at any time, during your residence at Vingorla, condemn the Act of Mr. Gibbard's having at Kowtanee shot a Prisoner?

A. I never did.

Q. Did Captain Duff ever in your presence, make any remark, or ask any question, showing he was aware of Mr. Gibbard's having caused a Prisoner to be shot?

A. He did one day at his own House, he said I wish Mr. Gibbard would make me a written report, as I should like to send it on to the General. He then asked me if I knew more about the Kowtanee affair,—I replied I did not. He asked me if I knew how the *men* were killed, I replied I believed they were shot.

The Prisoner here expresses a wish to postpone his cross-examination of Witness, until he comes on his Defence, to which the Court is pleased to accede.

Lieutenant Munro withdraws.

Second Witness for the Prosecution—Ensign Alexder Raitt 16th Regiment N. I. called into Court, and duly sworn.

Examined by the Judge Advocate.

Q. Were you present with a Detachment of the 16th Regiment Native Infantry at Vingorla, in the early part of January 1839?

A. Yes, I was.

Q. Do you remember Mr. Gibbard then an Ensign in the 16th Regiment N. I. rejoining the Detachment from detached duty in the early part of the above month?

A. Yes I do.

Q. Do you remember being present at Lieutenant Munro's quarters at Vingorla, when Captain Duff and Mr. Gibbard were there on the day of the return of the latter or soon after?

A. Yes, I do remember.

Q. Did any conversation then take place between Captain Duff and Mr. Gibbard, relating to what had occurred some time before at Kowtanee, and if so, be pleased to state fully, what each respectively said?

A. There was a conversation between Mr. Gibbard and Captain Duff,—concerning what had taken place when at Kowtanee—Mr. Gibbard said, that he came up with the Rebels at Kowtanee, on the banks of the River, and had fired upon them while crossing. Some of the sepoys with him were bringing a man, a Prisoner, and he said you have got your orders and know what to do with him—and made a sign to them with his hand. He the Prisoner was taken away and shot. Captain Duff appeared to be pleased with what he had related, and told him, if he made a report of it, he would send it on to the General, as he likes to hear all the news.

Q. Did Captain Duff appear to believe or disbelieve, what Mr. Gibbard then related, and did he condemn what he had done?

A. He did not condemn it, and I should say he believed it.

Q. Who were present besides Captain Duff, yourself and Mr. Gibbard at the above conversation?

A. Lieutenant Munro was present.

Q. Were you present at any other conversation on the above subject between Captain Duff and Mr. Gibbard, at Lieutenant Munro's quarters?

A. I never remember having heard any more than the one, I have alluded to.

Ensign Raitt here withdraws.

Third Witness for the Prosecution—William Gibbard Esq. (late Lieutenant 16th Regiment N. I.) is called into Court and duly sworn.

Examined by the Judge Advocate.

Q. Did you belong to a Detachment of the 16th Regiment N. I. at Vingorla in the early part of January 1839, and under whose command were you?

A. Yes, I did.—I was under the command of Captain Duff, but detached to Sawant Warree. I was under the immediate orders of Mr. Spooner.

Q. Do you remember rejoining the Detachment at Vingorla from detached duty: and from what place did you come, and about what time of the month?

A. On the morning of the 3rd or 4th January.—I rejoined the Detachment from Kowtanee where I had been sent by Mr. Spooner.

Q. Do you remember being at Lieutenant Munro's quarters on the day or soon after your return?

A. On the morning of my return, I was at Lieut. Munro's quarters.

Q. Did any conversation then take place betwixt Captain Duff and yourself relating to what had occurred at Kowtanee a little before, and if so state what it was?

A. After breakfast Captain Duffcame into Lieutenant Muro's quarters and asked me what I had been doing, saying he understood I had been successful with the Rebels. I told him I had been sent to Kowtanee by Mr. Spooner with orders to take no Prisoners and to give no quarter; that I surprised a party of Rebels at Kowtanee; and that several of them were shot, crossing the River which divides the Goa from the Warree Territory that some time afterwards four or five Rebels were taken Prisoners by the Irregulars under my Command, and that according to orders I had received from Mr. Spooner I ordered them to be shot—that one of them was a leading Rebel named Goonda Purrub:—and that he had offered a large sum of money for his life, but that still I had ordered him to be shot—that on my return to Warree I had reported to Mr. Spooner what I had done who had highly approved of my conduct. Captain Duff was exceedingly pleased at my success with the Rebels, and expressed his pleasure in several remarks he made—and said give me a written report of what took place, and I will send it to General Salter who will be pleased.—I answered I was under Mr. Spooner's orders at the time, and having reported to him, I did not consider another report necessary.

Q. Did Captain Duff appear to believe or disbelieve what you related to him, and did he condemn the act of shooting the prisoners.

A. Captain Duff appeared to hear and believe what I said and made no remark either then or afterwards, condemning my proceedings at Kowtanee.

Q. Who was present at Lieutenant Munro's quarters during this conversation?

A. Lieutenant Munro was and I believe Ensign Raitt, but I am not certain as to the presence of the latter.

Mr. Gibbard withdraws and the prosecution is here closed. The prisoner being here put on his Defence, requests the indulgence of one day's delay before entering on an Examination of the Witnesses in his favor, with which request the Court complies,—and is in consequence adjourned until Thursday the 6th day of August at 11 o'clock in the forenoon.

SECOND DAY, THURSDAY, 6TH AUGUST 1840.

Lieut. Charles Munro is again called into Court, and examined on his former Oath.

Cross examined by the Prisoner.

Q. At what time of the day did the conversation between Mr. Gibbard and myself in your quarters at Vingorla, alluded to in your Evidence on the 4th Instant, take place?

A. I cannot recollect the exact time of the day; it was some time between eleven A. M. and six in the evening.

Q. Did you hear, or understand from Mr. Gibbard at that, or any other time, that he saw the Prisoner, whom the Warree Sepoys were bringing to him, when he waved his hand and told them to take him away, that he did not want Prisoners?

A. He did not mention that he had seen the Prisoner. He merely said, they were bringing one, and that he waved his hand, and told them to take him away.

Q. Did Mr. Gibbard state at that time or any other, in your presence, the name of the Prisoner so taken away, or who he actually was?

A. He mentioned his name was Goondee Purrub, the leader of the Rebels at Kowtanee.

Q. Do you mean to say, with reference to your Evidence on the Prosecution, in which you state, that I said well, I am glad you have given it to them it serves them right, that I was glad Mr. Gibbard had beaten the Rebels, or that I was glad he had ordered the defenceless Prisoner, whom the Warree Sepoys were bringing to him, to be taken away for the purpose of being shot?

A. I took it in a general view, and that you were glad of the whole affair, as it had occurred.

Q. Do you think, that a report to the General Officer of the Division from an Officer under his orders, containing an account of a Prisoner deliberately put to death, after capture or surrender, was likely to meet his approbation, and obtain a compliment for the Officer by whose orders the man was so deprived of life?

A. I do not think it would.

Q. How then do you think, I approved of the act, and wished it reported to General Salter for Mr. Gibbard's benefit?

A. You did not condemn his having ordered the Prisoner to be killed, besides *that*, you said that you were glad he had given it to them.

Q. Did you yourself approve of Mr. Gibbard having put the Prisoner to death, as related by him?

A. I did not approve of it in words; but in consequence of the orders he said he had received from Mr. Spooner, I did not think at the time he had done wrong.

Q. Do you mean positively to state, that I included the death of the Prisoner in the services of Mr. Gibbard, which were, according to the account you have given of the conversation between Mr. Gibbard and myself, to obtain for him a compliment from the General?

A. I believe that you did intend the death of the Prisoner to be mentioned in the Report; as after hearing Mr. Gibbard's statement of the Kowtanee affair, you said to Mr. Gibbard himself, that you wished him to make a written Report of it, which you wished to send on to the General.

Q. To what *men* did you allude when you told me, as stated in your answer to the last question put to you on the Prosecution, that you believed they were shot?

A. I alluded to the whole of the men killed at Kowtanee that morning, including the Prisoner Goondee Purrub.

Q. Did you ever afterwards hear of other Prisoners besides Goondee Purrub being put to death at the same time, as he was, by Mr. Gibbard?

A. I did.

Q. When did you first hear of this?

A. It was after my arrival in Bombay in February 1839.

Q. Did you ever previous to the Court Martial on Lieut. Gibbard, hear the particular manner those Prisoners were put to death?

A. I heard various statements of how they were put to death before the Court Martial.

Q. From whom did you hear those statements?

A. I heard one day from Mr. Orrok that Mr. Rigby had heard it at Parell:—It was the general talk in Bombay, and I heard it from various persons.

Q. Was that the first time you heard the report?

A. I do not think it was; but I cannot call to mind, who I first heard it from.

Q. Had you not yourself previous to the day on which you heard from Mr. Orrok that Mr. Rigby heard it at Parell, mentioned the circumstance of those Prisoners being put to death at Kowtanee in the presence of Lieut. Orrok and Mr. Rigby at the Mess of the 16th Regiment N. I.?

A. I have been told I did; but I do not recollect having done so.

Q. Did you the Evening before the Officers of the Regiment were ordered to attend at Colonel Capon's quarters, in the early part of May 1839, or on any other Evening immediately preceding the one abovementioned, go into Ensign Rigby's quarters, and address him as follows,—or in words to the same effect?—"I understand you are going to "say, that I have been speaking at the Mess about "Gibbard's putting men to death:—You must know "very well, I have never opened my mouth on the "subject.—I have made it a rule never to do so.—"You must have dreamt this Rigby.—You know "you have—Havn't you?"

A. No.—I do not recollect speaking to Mr. Rigby upon the subject, but I asked Mr. Orrok if he ever heard me. He said he had. I then told him that I understood that Mr. Rigby had been saying, that I had mentioned something at the Mess one evening, regarding the Kowtanee affair; I told him that I did not recollect a word about having said so at the Mess.—I asked him if he had heard me, and he said he had, *and moreover he told me, he had before I mentioned it, heard of the affair from Captain Duff himself, and that I might make use of his name, that he had so heard it. This occurred on the morning of the day when the Officers met at Colonel Capon's quarters.*

Here a question that the Prisoner desired to put connected with Lieut. Munro's early knowledge of the Kowtanee affair in Bombay, was overruled, and also others connected with previous matters:—and Captain Duff declined to examine Lieut. Munro further.

By the Court

Q. State as nearly as you can when you did hear of the other Prisoners being put to death; that is how soon after your return to Bombay?

A. I should think about eight days after my arrival.

Q. Do you remember on what day of February you arrived in Bombay?

A. It was about the end of the month.

The Cross-examination is here closed, and the witness Lieut. Munro, withdraws. It being past two o'clock, the Court adjourns until eleven o'clock tomorrow. forenoon

THIRD DAY, FRIDAY, 7TH AUGUST 1840.

William Gibbard Esquire is called into Court and examined on his former Oath.

Cross Examined by the Prisoner.

Q. If as you have stated on this Trial, I asked you on the 3d or 4th of January 1839 at Vingorla, to give me a written Report of what took place at Kowtanee, which I would send on to General Salter who would be well pleased, how did it happen that in the course of your examination of me, as a Witness on your Court Martial at Poona, you never alluded in any way to such request, or recommendation on my part?

A. Because, I considered it had nothing to do with the charge on which I was tried.

Q. You have stated in your evidence for the Prosecution, that you returned to Warree, after the affair at Kowtanee, and reported your proceedings at that place to Mr. Spooner:—Do you mean to say that you reported the whole of your proceedings to that Gentleman including the order you had given for shooting the four or five Rebel Prisoners, whom you state on your examination on the 4th Instant to have been so put to death by your orders at that place on the 25th December 1838?

A. Yes, I do. I reported to Mr. Spooner that I had ordered four or five Prisoners taken at Kowtanee on the 24th or 25th December to be shot, and they were shot accordingly.

Q. Was your report to Mr. Spooner a verbal or a written one?

A. A verbal one.

Q. Was it in consequence of the Report so made of the whole affair at Kowtanee, that you obtained Mr. Spooner's approbation?

A. It was partly in consequence of that, and partly in consequence of the assistance I had formerly lent him.

Q. Did you ever see any of the Prisoners before they were shot? I mean were they all or any of them brought to you either by the men of the 16th Regiment N. I. or of the Sawant Warree Irregulars before you ordered them to be executed?

A. Yes, they were brought up within ten or fifteen paces of the House in which I was, and were taken away again immediately. I do not remember seeing any of the Prisoners, except the man who was released. There was a great assembly around them, consisting of a few regular and great many Irregular Sepoys.

Q. Did you ever write any other Official Letter to any one, containing an account of the affair at Kowtanee different from the account you gave of that affair in your Letter to Mr. Secretary Willoughby dated 4th June 1839, recording on the proceedings of your Court Martial at Poona?

A. I did not write any other Official Letter on that subject.

Q. Did you ever see this letter before?

Here a Letter purporting to be written by the Witness is produced.

A. Yes.—At the time I gave the answer to the former question relative to Official Letters, I did not remember that this had been an Official Letter, although I remember perfectly well writing it. (After looking at the Letter) I wish to explain to the Court, that in it twelve men are stated to have been killed subsequent however to the despatch of the Letter, the bodies of three or four more rebels were reported to me, as having floated down the river.

The following letter was then read by the Judge Advocate.

Kowtanee, December 25.

SIR,—I have the honor to acknowledge the receipt of your letter, and beg to inform you that I arrived here this morning with a party of 250 men, and *have succeeded in killing the son of Futtee Purrub* and 12 others whose names I do not know.—6 men escaped across the river opposite Nakoo Kuruler's House, and one man severely wounded lower down (although at the time there were upwards of 200 people on the spot, and many of them armed with Guns, and apparently Goa Sepoys; and I also beg to state that persons from the opposite side threatened my men and took their guns up to fire at them, at the time they were seizing the son of Futtee Purrub, also 3 men crossed the river to the left of the house, within 500 yards of the Chokee placed there, but the sepoys took no measures to seize them, and allowed them to escape. I am very certain that if any active measures had been taken this morning, not a man would have escaped and (out of the 6 who escaped 2 or 3 are severely wounded) this I shall report to Mr. Spooner with your letter, when I have no doubt some measures will be taken to prevent the people in the Goa Frontier assisting the Insurgents to escape, which occurred this morning, as I saw the men myself, and shot two of them and wounded one man who escaped into the sugar cane opposite Narroo Kewlers House* a male Howkeker was seized and I suppose is dead, as he cut his own throat, the remaining Insurgents are Bhow Sawant, Narroo Kumlee from Sawant, Sumbajee Neyoon, Ittoo Seroudakur, Sukkoo Kotwallee and the Tambool Dessaee. Atmaram Rowul informed me this morning that Subness and Sukkoo Kotwallee had been seized, which I shall report to Mr. Spooner and at your convenience will forward them to Warree under a party of men.

I have the honor to be,
Sir,
Your most Obedient Servant,
(Signed) W. Gibbard, Ensign,
Commanding Detachment Kowtanee.

The Officer Commanding at Paidna.

The Court was then closed and on its re-opening the Prisoner was informed that the above letter would be recorded, but that two others of which one was without date and the other dated 26th December 1838, from Mr. Gibbard to the same party, as the one recorded, could not be received in evidence, as they did not appear to bear immediately on the matters in issue at this time?

Q. Was there any fighting between the Detachment under your Command and the rebels at Kowtanee on the 25th December 1838?

A. No, because they were completely taken by surprise and only one or two shots were fired by them.

Q. Are you sure, with reference to your mention of the shooting of the prisoner whom the Warree Irregulars were bringing to you, that I did not say at the time "Then if you allowed him to be shot, you did damned wrong."

A. No, Captain Duff made no remark of the kind neither on that date nor up to the date of my leaving Vingorla about the 23rd of February, during which period I was under his Command.

Examined by the Court.

Q. Had you had any communication with Captain Duff, regarding the Evidence he intended to give on your Trial at Poona, previous to the sitting of that Court, and if so, did he give you to understand, the nature of the Evidence he was about to give?

A. No, I had no communication.

The Cross Examination is here closed, and Mr. Gibbard withdraws.

Ensign Alexander Raitt is called into Court and examined on his former Oath.

Cross-Examined by the Prisoner.

Q. At what time of the day did the conversation between Mr. Gibbard and myself in Lieut. Munro's Quarters at Vingorla, alluded to in your Evidence of the 4th Instant, take place?

A. I should say in the Evening, so far as I remember.

Q. Did you hear or understand from Mr. Gibbard at that, or any other time, that he saw the prisoner whom the Warree Sepoys were bringing to him, when he waved his hand and told them to take him away that he did not want prisoners?

A. I did understand from what he said that he did not see the Prisoner.

Q. Did Mr. Gibbard state at that time or any other in your presence the name of the Prisoner so taken away, or who he actually was?

A. I do not think the name was then stated, but I heard afterwards from him that it was Goondee Purrub.

Q. Do you mean to say with reference to your Evidence, on the Prosecution in which you state that I appeared to be pleased at what Mr. Gibbard had related, that I was glad that Mr. Gibbard had beaten the rebels—or that I was glad he had ordered the defenceless Prisoner, whom the Warree Sepoys were bringing him, to be taken away for the purpose of being shot?

A. When Mr. Gibbard had stated the whole of what I have stated, Captain Duff then said, he was glad he had given it to them, but I do not know which he alluded to, when he said that.

Q. Do you think that a Report to the General Officer of the Division, from an Officer under his orders, containing an account of a Prisoner deliberately put to death, after Capture or Surrender, was likely to meet his approbation, and obtain a compliment for the Officer by whose orders the man was so deprived of life?

A. I should think not.

Q. Can you then believe that I approved the act, and wished it reported to General Salter, for Mr. Gibbard's benefit?

A. I do not know whether Captain Duff believed it or not, but the words I have stated were made use of by him, on the occasion.

Q. Did you yourself approve of Mr. Gibbard's having put the Prisoner to death as related by him?

A. I never approved or disapproved of the act at all. I believed what he told me.

Q. Did any discussion or conversation take place on the 3d or 4th January 1839, as to the propriety of giving quarter?

A. Not that I heard of.

Q. Did you ever afterwards hear of other Prisoners besides Goondee Purrub being put to death at the same time as he was by Mr. Gibbard's orders?

A. I did afterwards hear of other Prisoners being put to death, but I do not think it was until I arrived at Bombay, sometime afterwards.

Q. From whom did you first hear, that other Prisoners than Goondee Purrub had been put to death by Lieut. Gibbard's orders?

A. I do not remember from whom I heard it, or where I heard it.

Q. Are you sure that when Mr. Gibbard mentioned the shooting of the Prisoner, whom the Warree Irregulars were bringing to him, I did not say at the time "Then if you allowed him to be shot, you did damned wrong"?

A. It may have been said, but I do not remember it.

Question by the Court.

Q. Do you think the remark at the end of the last question could have been made by Captain Duff without your hearing it?

A. I think I would have heard it, had he said so.

Q. Did you ever hear Mr. Gibbard say at any time, he had been offered money, by any of the Prisoners to spare their lives?

A. Yes—I think I did hear him say so.

Q. Can you state when or where Mr. Gibbard said so?

A. It was at Vingorla, but I cannot say exactly when.

Q. When you say the conversation which took place at Lieut. Munro's house was in the evening, do you mean before or after six o'clock?

A. To the best of my recollection it was about 6 o'clock in the evening.

Q. Did Capt. Duff in your presence at Vingorla condemn any part of Mr. Gibbarb's conduct with reference to the Kowtanee affair?

A. He never did.

Q. What was Capt. Duff's general manner towards Mr. Gibbard on his reporting the Kowtanee Proceedings, was it as if he fully or only partially approved his proceedings, and was it cordial or otherwise?

A. He appeared to approve of it fully. After the report was made, he clapped his hand, & appeared to believe it.

Q. Between the arrival of Mr. Gibbard at Lieut. Munro's and six o'clock in the evening, was there any conversation regarding the killing of the prisoners, and was Captain Duff present the whole time from Breakfast till the Evening?

A. Captain Duff was not present the whole time: There was no conversation relative to the killing the prisoners between the Breakfast time and 6 o'clock in the Evening, so far as I can remember.

Q. How long during the day above alluded to, was Captain Duff present in Lieut. Munro's quarters?

A. He was there some part of the forenoon.

Q. Was Mr. Gibbard present with him in the forenoon?

A. I do not remember if he was present or not, but he had no other place but Lieut. Munro's house to go to.

Q. Do you, in your own mind, entertain a doubt as to whether the approbation expressed by Captain Duff, in your presence, of Mr. Gibbard's conduct, included the destruction of the prisoner?

A. I think in my own mind, he was aware a prisoner had been shot, and he never disapproved of it.

Q. From the time of Mr. Gibbard's arrival at Mr. Munro's quarters until you arrived in Bombay, did you at all imagine that Mr. Gibbard was likely to be brought to Trial for the Kowtanee affair?

A. No. I was quite surprised to hear that he was to get a Court Martial, after I got up to Bombay.

Q. On what terms have you & Captain Duff been during the time you have been in the corps?

A. I was on very good terms with Capt. Duff until my arrival in Bombay from Vingorla sometime in April, when a Court of Inquiry took place.

Q. Were Captain Duff and Mr. Gibbard on good terms, when the latter returned to Vingorla from Kowtanee?

A. They were on good terms.

The cross examination is here closed, and Ensign Raitt withdraws.

The Prisoner requests the indulgence of the Court being adjourned until Monday, in consequence of the Friend who is assisting him on this Trial finding himself unwell, and not likely in consequence to be able to attend tomorrow. This request is complied with, and the Court accordingly stands adjourned until that day at 11 o'clock in the forenoon.

FOURTH DAY, MONDAY, 10TH AUGUST 1840.

First Witness for the Defence.

Lieutenant Christopher Rigby, 16th Regt. N. I. is called into Court and duly sworn.

Examined by the Prisoner.

Q. Do you remember Lieut. Munro returning to Bombay from Vingorla, about the end of February last year (1839)?

A. I do.

Q. Did you ever subsequent to Lieut. Munro's return to Bombay as above, mention to Lieutenant Orrok, in Lieut. Munro's presence, having heard the subject of Mr. Gibbard's affair at Kowtanee talked of at Parell, and say that it seemed to be the opinion there, that Mr. Gibbard would get into trouble in consequence? and if so, state whether Lieut. Munro made any, and what observation on that occasion?

A. I did.—On returning from Parell, I mentioned to Lieut. Orrok in Lieut. Munro's presence, having heard the subject of Mr. Gibbard having put men to death, talked of at Parell, and that it was likely to be a serious thing.—Lieut. Munro said, I am sure it cannot be true, I hope for poor Gibbard's sake it is not true.

Q. Had Lieut. Munro at any time subsequent to his arrival at Bombay from Vingorla, but before the conversation given in your last answer mentioned Mr. Gibbard's affair at Kowtanee, on the 25th December preceding (1838) and if so, state, when and where Lieut. Munro mentioned it, and what he said respecting it?

A. A very few days after his arrival from Vingorla, Lieut. Munro stated at Tiffin at the Mess, that Mr. Gibbard had been sent by Mr. Spooner with a party of men, after some Insurgents—that they had a skirmish and that some prisoners had been taken.—That as they were brought to Mr. Gibbard, he made a sign with his hand, that they were taken aside, and their throats cut.

Q. Did Lieut. Munro at any time subsequent to the conversation regarding what had been said at Parell, but previous to the assembling of the officers at Colonel Capon's quarters, in the early part of May 1839, come to you and make any observation regarding reports, which he said you had been making, respecting the putting men to death at Kowtanee?

A. Yes.—Lieut. Munro came into my Tent, I think the evening before we assembled at Col. Capon's quarters to state what we knew about Mr. Gibbard's affair, he said "I understand you "are going to say that I have been speaking at "the Mess about Gibbard putting men to death.—"You know I have never said a word about it, I "made it a rule never to speak on the subject, "you must have dreamt it, you know you must. "Hav'nt you?" I replied.—"Munro, if I am questioned I must state what I have heard."

Q. What object did Lieut. Munro appear to you to have in view, in addressing you as described in your answer, to my last question?

A. It appeared to me that he wished to disavow all knowledge of the subject, as it was likely to come under investigation.

Q. From whom did you first hear the account of Mr. Gibbard's putting men to death?

A. The account Mr. Munro gave at the Mess, was the first I heard.

Cross Examined by the Judge Advocate.

Q. In your answer to the first question you say Lieut. Munro made use of the words "I am sure it cannot be true, I hope for poor Gibbard's sake it is not." Did it appear to you, that he meant, that the circumstance was not true, that Mr. Gibbard had put men to death, or that the circumstance itself, of men being put to death was not true?

A. It appeared to me that he thought it could not be true that Lieut. Gibbard had put men to death.—He made use of the words, as if he appeared to be surprised.

Q. In the remarks made by Lieut. Munro at the Mess, relative to Mr. Gibbard having put certain prisoners to death, did he state from what source he had derived that information?

A. He did not.

Q. You state that Lieut. Munro, came to your Tent, or, as you think, the Evening previous to the meeting at Colonel Capon's, and made use of certain observations to you.—What led you to to come to the conclusion, that his reason for making these observations, was, because he wished to disavow all knowledge of the matter?—

A. He wished to persuade me that he never mentioned a word about it, and *that*, together with the remarks he had made in Lieut. Orrok's presence, led me to believe that he wished to appear ignorant of the matter.

Q. At this time on what terms were you with Lieut. Munro?

A. We were on terms of intimacy at that time; but I had intended at the time, to drop his acquaintance, in consequence of Evidence I heard him give at a Court of Inquiry, of which I was Interpreter.

Q. On what terms are you at present?

A. I do not speak to him now.

Questioned by the Court.

Q. Had the Court of Inquiry you have alluded to, reference to the subject now under investigation?

A. No—It was a Court of Inquiry on Captain Duff.

Q. Was Mr. Munro's account of the Kowtanee affair addressed to you, and what were the positions of Mr. Munro and yourself at the Mess Table?

A. I did not consider it addressed to any body in particular.—I recollect Lieut. Jopp questioning him upon it.—Lieut. Munro was sitting nearly opposite to me at Table.

Q. About how many Officers were present on this occasion, and who were they?

A. I recollect Lieutenants Jopp, Munro, Orrok and myself, and I think there were some others present, but I cannot specify who they were.

Q. Do you remember any of the questions referred to by you, by Lieut. Jopp to Lieut. Munro?—

A. No, I do not recollect; I remember he did question him, but not what he asked.

Q. When Mr. Munro related the circumstance at the Mess, of Mr. Gibbard having put prisoners to death, did he mention it as something he had only just become acquainted with, or that he had previously known?

A. He had been relating different things that had taken place at Warree, and in the course of this conversation, he also mentioned what I have before stated—He appeared to have heard of it before he came to Bombay and was giving it to us as news.

Q. How many prisoners did Mr. Munro state at the Mess had been put to death at Kowtanee?

A. He did not specify any number, that I heard of.

Q. Did the Officers present appear, then to hear the news for the first time?

A. As far as I can say they did.

This Witness Lieut. Rigby here withdraws.

Second Witness the for Defence.

Lieut. William Orrok, 16th Regiment N. I. is called into Court and duly sworn.

Examined by the Prisoner.

Q. Do you remember Lieut. Munro returning to Bombay from Vingorla, about the end of February last year (1839)?

A. Yes, I do.

Q. Did Lieut. (then Ensign) Rigby, ever, subsequent to Lieut. Munro's return to Bombay as above, mention to you in Lieut. Munro's presence, having heard the subject of Mr. Gibbard's affair at Kowtanee talked of at Parell, and say that it seemed to be the opinion there that Mr. Gibbard would get into trouble in consequence, and if so, state whether Lieut. Munro made any and what observation on the occasion?

A. I recollect Mr. Munro being present, when Lieut. Rigby mentioned that the affair had been talked of at Parell; and he (Mr. Munro) said I shall be very sorry if it is the case, on account of poor Gibbard, or some words to that effect.

Q. Had Lieut. Munro at any time subsequent to his arrival in Bombay from Vingorla, but before the conversation given in your last answer, mentioned Mr. Gibbard's affair at Kowtanee on the 25th December preceding (1838) and if so, state when, and where Lieut. Munro so mentioned it, and what he said respecting it?

A. He mentioned it at the Mess at Dinner time very soon after his arrival from Vingorla.—He mentioned that Mr. Gibbard had been sent with a party, and that he came on a Body of Insurgents on the bank of some river, and that many were fired upon, and some of them were shot—that one man had been brought to him as a prisoner by some of his Irregular Troops, and that he had offered a certain sum of money, if Mr. Gibbard would spare his life, but Mr. Gibbard waved his hand to take him away, and that he was immediately taken, and destroyed some way or other.

Q. Did Lieut. Munro at any time subsequent to the conversation regarding what had been said at Parell, but previous to the assembling of the Officers at Colonel Capon's quarters in the early part of May 1839, come to you and make any observations respecting reports that Ensign Rigby was said to have been making, about putting men to death at Kowtanee?

A. Yes,—it was on the same morning, immediately before the Officers were ordered to Col. Capon's quarters.

Q. State what remarks Lieut. Munro made on that occasion?

A. To the best of my recollection he said—Fancy, that fellow Rigby has been telling Captain Duff, that I have been relating the story at the Mess about Mr. Gibbard's affair at Kowtanee. He went on then to say, that he had not said any thing of the kind at the Mess.—I made no reply to this, and soon after he asked me if I heard him—I then said to him, as I understood there was to be some investigation about it, I did not wish to be hauled in as an Evidence; but as he asked me, I would say that I heard him mention it at the Mess, I believe he then said, that he did not recollect it.—This was all that occurred.

Q. Did you ever tell Lieutenant Munro that you heard of the Kowtanee affair, before he mentioned it at the Mess?

A. *No, certainly not.*—I mean about this Prisoner being killed.

Q. Did you ever tell Lieutenant Munro that you had, before he mentioned it, heard of the affair from me, and that he might make use of my name?

A. *No, certainly not.*

Q. From whom did you first hear the account of the Prisoner alluded to above, being killed?

A. *From Lieutenant Munro.*

Cross examined by the Judge Advocate.

Q. You have mentioned that on hearing that the affair at Kowtanee had been talked of at Parell, Lieutenant Munro remarked "I shall be very sorry if it is the case," or some words to that effect.—Did you understand him to mean he should be sorry if the killing of the Prisoner was true—or sorry at the probability of Mr. Gibbard getting into trouble for it?

A. I think the impression in my mind was, that he appeared to know nothing about it.

Q. Did Lieutenant Munro state at the Mess, from whom he had obtained information that Mr. Gibbard had put a prisoner to death?

A. No, I do not recollect that he mentioned who he heard it from.

Q. Was the account given by Lieutenant Munro of the Kowtanee affair at the Mess, addressed to you, and what were the positions of Mr. Munro and yourself at the Mess Table?

A. No, the conversation was not addressed to me: it was addressed to us all.—Mr. Munro was sitting at the end of the Mess Table, and I think I was sitting at his left hand.

Q. How many officers were present on the occasion, and who were they?

A. I recollect Mr. Jopp being present and Mr. Rigby, I think that was all besides Mr. Munro and myself.

Q. Did it appear to you that Lieutenant Munro had known at Vingorla, what he stated at the Mess, or that he had heard it since his arrival in Bombay?

A. I should think, that he heard it before he left Vingorla.

Q. How many Prisoners did you understand from Mr. Munro had been put to death at Kowtanee?

A. One.

Q. From whom did you first hear, that Prisoners had been put to death?

A. I never heard that prisoners had been put to death,—I only heard of one man.

Q. Did not Lieutenant Jopp at the Mess, when the conversation above alluded to, took place, ask several questions of Lieutenant Munro on the subject?

A. He might have done so, but I do not recollect it.

Q. Were any remarks made by those present relative to the prisoner being put to death?

A. No: not that I recollect.

Q. How long was it between the time of Lieutenant Munro's statement at the Mess, and that of his disavowal of all knowledge of having made such, after hearing the affair had been talked of at Parell?

A. I cannot exactly say.—I do not recollect how long it was.

Q. Did it appear to you that Lieutenant Munro, at the time he made the statement at the Mess, was in a state of sobriety?

A. Of course he was.

Q. At the time of meeting of Officers at Colonel Capon's quarters referred to by you, are you aware on what terms Lieutenant Munro and Rigby were?

A. I think they were on speaking terms at the time.—They were on bad terms soon afterwards.

Q. On what terms are you and Lieutenant Munro?

A. Very good terms.

Q. At the Mess on the occasion you have alluded to, can you distinctly state the relative positions of Lieutenants Munro and Rigby?

A. To the best of my recollection, Lieutenant Munro was at the end of the Table, and Lieut. Rigby at the opposite side to me, near the middle; and on the right hand side of the Table.

This witness Lieutenant Orrok here withdraws.

It being now 3 o'clock the Court adjourns until 11 o'clock tomorrow forenoon.

FIFTH DAY, TUESDAY, 11TH OF AUGUST 1840.

Lieutenant Eckford, Marine Battalion, appears as Interpreter in Court, and is duly sworn.

Third Witness on Defence.

Havildar Pandoojee Chowan, 16th Regiment Native Infantry is called into Court, and duly sworn according to G. G. O. No. 347, dated 15th May 1840.

Examined by the Prisoner.

Question. Do you remember being on service at Kowtanee under Lieutenant Gibbard on the 24th and 25th December 1838.

A. Yes—It is about two years since; I cannot exactly recollect the date.

Q. Do you remember taking any Prisoners to Lieutenant Gibbard on that occasion, if so, state how many?

A. Yes. Six Prisoners.

Q. State where Lieutenant Gibbard was, when you took the Prisoners, you have just mentioned to him, and whether the Prisoners were taken near enough to him, to enable him to see them all.

A. Yes. Lieutenant Gibbard was standing near

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* This and other names are very difficult to be deciphered in the original letter and may not in consequence be very correctly transcribed in the copy from which we print.—Editor.

a Banian's shop, and the Prisoners were brought *within two paces of him, and he saw the whole six.*

Examined by the Court.

Q. Do you mean positively to state that Lieut. Gibbard saw the Prisoners, or is your meaning that they were brought near enough for him to see them?

A. They were brought near enough for him to see them, and Lieutenant Gibbard cast his Eyes towards them, and there was no obstruction between.

Q. Did Lieutenant Gibbard address any of the Prisoners, or did the Prisoners, or any of them address Mr. Gibbard?

A. Lieutenant Gibbard did not speak to the Prisoners, one of the Prisoners addressed Mr. Gibbard.

Q. Do you know the name of the Prisoner, who addressed Lieutenant Gibbard, and was he one of those shot?

A. His name is Govinda, a Fidler. He is here.

Q. Were the Prisoners surrounded by many people when brought into Lieutenant Gibbard's presence?

A. They were surrounded by a great many people.

Q. Were the Prisoners particularly pointed out to Lieutenant Gibbard by yourself, or any other person?

A. I brought the Prisoners up to him, and said, Sir, I have brought those Prisoners pointing them out.

Q. After the Prisoners were brought to Lieutenant Gibbard, how long did they remain before they were taken away?

A. They did not remain any time—As I brought them up he said, why have you brought them here, take them to a distance.

Q. Was the dress and appearance of the Prisoners in any way different from the crowd around, so as to enable them to be easily distinguished from the rest of the crowd?

A. Their dress was the same as that of the rest of the crowd.

This Witness, Havildar Pandoojee Chowan here withdraws.

Fourth Witness for the Defence.

Private Ramjee Palanday 16th Regiment N. I. being called into Court, and duly sworn in the same manner as the former Witness.

Examined by the Prisoner.

Q. Do you remember being on Service at Kowtanee under Lieutenant Gibbard on the 24th and 25th December 1838?

A. Yes—I remember.

Q. Do you remember taking any Prisoners to Lieutenant Gibbard on that occasion, and if so state how many?

A. Yes—*I took six Prisoners to him.*

Q. State where Lieutenant Gibbard was, when you took the Prisoners, you have just mentioned to him, and whether the Prisoners were taken near enough to him, to enable him to see them all?

A. Lieutenant Gibbard was standing twenty paces below the House of Naroo Kumlee. *I took them within two or three paces of him, and he could see them.*

Examined by the Court.

Q. Was there a crowd of people around the Prisoners?

A. No, there only was a Duffeedar and four or five of the Rajah's people standing close,—there were some more people at a distance. A Havildar and one Sepoy and myself were also near the Prisoners.

This Witness Private Ramjee Palanday here withdraws.

Fifth Witness for the Defence.

Madoo Ghan, an Inhabitant of the village of Mulpa, near Paidna, being called into Court, and sworn according to the same manner as the first Witness.

Examined by the Prisoner.

Q. Were you made a Prisoner by a Detachment under the orders of Lieutenant Gibbard at Kowtanee on the 25th December 1838.

A. Yes.

Q. Were you taken into the presence of Lieutenant Gibbard, on that occasion?

A. *They tied my arms and took me into the presence of Lieutenant Gibbard.*

Q. Were any other Prisoners taken into Lieutenant Gibbard's presence at the same time as yourself, and if so, state how many?

A. *Five others besides myself were taken before Mr. Gibbard.*

Q. State where Lieut. Gibbard was, when yourself and the other prisoners you have just mentioned were taken to him, and whether you were near enough to him, to enable him to see you all?

A. He was standing near to Naroo Kumlee's House, we were brought as near to him as to that door, (pointing to a door which is found to be eight or nine paces off.) *He saw us all.*

Questioned by the Court.

Q. Were you all bound when so brought into Mr. Gibbard's presence?

A. *Yes, we were all bound.*

This witness, Madoo Ghan here withdraws.

Sixth Witness for the Defence.

Major Cathcart, 10th Regt. N. I. being called into Court and duly sworn.

Examined by the Prisoner.

Q. Have you had any opportunity of forming an opinion on the accuracy of Mr. Munro's recollection of past transactions?

A. Yes.

Q. Do you think he is accurate in his memory, or otherwise?

A. During the time that Lieut. Munro was an Evidence at a Court of Inquiry, of which I was President, he appeared to forget many things, *until he was well cross examined*, and then he appeared to recollect them. This can be seen by referring to the Court of Inquiry in question.

Q. Was his memory equally bad when the circumstances were favorable to, as when they were unfavorable to the accused?

A. *His memory was generally very bad regarding any thing favorable to Captain Duff, otherwise he appeared to recollect things very well.*

The Court is here closed and the Judge Advocate states to them, that not perceiving the drift of the last question put by the Prisoner to Major Cathcart, he did not object to it. It appears to be one however, which he considers objectionable, on the grounds of its tending to impeach the credit of the Witness, Lieut. Munro, on a particular collateral fact, instead of bearing against his general character for veracity; he therefore, begs to suggest to the Court, that the question and answer referred to, be struck out of the Proceedings. The votes of the Court are here taken on the matter and they decide on the question and answer remaining, as they have been put on record, but that no other question of a similar nature be allowed to be put to any other Witness.

Examined by the Court.

Q. Are you sufficiently acquainted with Lieutenant Munro to be able to form an opinion as to his general character for veracity?

A. The only way I can form an opinion regarding Lieutenant Munro was during the time he was an Evidence on the Court of Inquiry. I have not been acquainted with Lieutenant Munro on terms of Intimacy.

Q. Do you mean by your last answer that you do, or do not, consider yourself sufficiently acquainted with Lieutenant Munro, to form an opinion as to his general character for veracity?

A. It is imposible for me to give an opinion as to Lieutenant Munro's general character for veracity, as the only acquaintance I have had with him, was during the Court of Inquiry referred to.

This Witness, Major Cathcart, withdraws.

Seventh Witness for the Defence.

Lieutenant. Thomas Prendergast 10th Regiment. N. I. being called into Court, and duly sworn.

Examined by the Prisoner.

Q. Have you had an opportunity of forming an opinion on the accuracy of Mr. Munro's recollection of past occurrences?

A. Yes, I have.

Q. Do you think he is accurate in his memory, or otherwise.

A. I should say very inaccurate.

Examined by the Court.

Q. Are you sufficiently acquainted with Lieutenant Munro to be able to form an opinion as to his general Character for veracity.

A. As to his general character I cannot.

This Witness, Lieutenant Prendergast withdraws.

It being now past 3 o'clock, the Court is adjourned until 11 o'clcok tomorrow forenoon.

SIXTH DAY, WEDNESDAY, 12TH AUGUST, 1840.

The Prisoner requests to be allowed to put on record part of the Evidence of R. Spooner, Esquire, given on the Court Martial of Lieutenant Gibbard on the 30th day of December 1839, the proceedings of which were laid before this Court duly authenticated on the first day of its Sitting.

'R. Spooner, Esquire, Bombay Civil Service, is called into Court and duly sworn.'

Examined by the Judge Advocate.

Q. 'Did Lieutenant Gibbard report that Goondee Purrub had been put to death by his Orders?'

A. 'Lieutenant Gibbard reported that the Sawunt Warree Irregular Sepoys had informed him that Goondee Purrub had been seized, and that he told them that as they had been ordered by him not to take Prisoners, they were to take Goondee Purrub away as he did not wish to have any thing to do with him, and that afterwards Goondee Purrub was shot by the Irregular Sepoys, that he himself did not see him.'

The following Extract also from a Letter embodied in the above mentioned proceedings which was admitted and read to the Court) addressed by Lieutenant Gibbard to Mr. Secretary Willoughby and bearing date 4th June 1839.

'I told the Jemedars to obey the orders they had received, and not to bring the men to me, *I saw none of them except the man who was released.* The rest were taken by the Irregulars, and shot at some distance from the house.'

Eighth Witness on the Defence.

Lieutenant Charles Munro, 16th Regiment N. I. is called into Court and duly sworn.

Examined by the Prisoner.

Q. With whom were you living during your stay at Poona when summoned there as an Evidence on Mr. Gibbard's Court Martial?

A. I was living with Mr. Gibbard during the whole time I was at Poona--Lieutenant. Jopp, Ensign Raitt, and Mr. Hancock staid with us during there stay at Poona, Mr. Gibbard, Mr. Raitt, and myself had taken a house between us.

The following question was then placed in the hands of the officiating Judge Advocate by the Prisoner for the purpose of being put to this witness, Lieutenant Munro.

'Have you at any time so spoken or acted towards me in regard to my professional character as to cause your impropriety of conduct to be visited with the disapprobation of the General Officer in Command of the army?'

This was objected to by the officiating Judge Advocate on the ground that the Prisoner was not allowed to bring discredit on his own witness, and the Prisoner not having any further questions to put to Lieutenant Munro which were not likely to be objected to on similar grounds, declined to trouble the Court further, and the witness Lieutenant Munro withdrew.

Ninth Witness on the Defence.

Martin Thomas Kays Esquire is called into Court, is duly sworn.

Examined by the Prisoner.

Q. How long have you been acquainted with me?

A. Nearly Fourteen Years.

Q. Have the goodness to state to the Court what opinion you entertain of my character generally and particularly in regard to the dependence that is to be placed on my veracity?

A. I always considered you a very Gentlemanly upright man, both as an Officer in the army, and a private Gentleman in Society.—I have considered you tenaciously scrupulous of your word of honor. I always considered you charitable, humane, and generous to a degree, and I believe you to be a man that would not injure any person.

This Witness, Dr. Kays here withdraws.

Edward Armitage, Esquire is called into Court and duly sworn.

Examined by the Prisoner.

Q. How long have you been acquainted with me?

A. Upwards of Ten Years.

Q. Have the goodness to state to the Court what opinion you entertain of my character generally and particularly in regard to the dependence that is to be placed on my veracity?

A. I have always regarded Captain Duff, as a man of honor and upright principles, and from opportunities I have had of judging of his character, I should say he was a man of very kind and humane disposition, and that his word may safely be relied on.

This Witness, Mr. Armitage, here withdraws.

Hugh Gibb Esquire, Surgeon 25th Regiment N. I. is called into Court and duly sworn.

Examined by the Prisoner.

Q. How long have you been acquainted with me?

A. Twelve Years.

Q. Have the goodness to state to the Court what opinion you entertain of my character generally, and particularly in regard to the defence that is to be placed on my veracity?

A. I know no man of whose honor and integrity I have a higher opinion.

J. H. Crawford, Esquire, Accountant General is called into Courtand duly sworn.

Examined by the Prisoner.

Q. How long have you been acquainted with me?

A. I have known Captain Duff from his Birth—I lost sight of him for many years, but had an opportunity of renewing my acquaintance with him at Surat in 1832.—Our intercourse was interrupted by my absence at the Neilgherries and in Calcutta for some years, but during the last Eighteen Months I have had constant and intimate opportunities of acquaintance and friendship.

Q. Have the goodness to state to the Court what opinion you entertain of my character generally, and particularly in regard to the dependence that is to be placed on my veracity?

A. I was educated under the roof of Captain Duff's Father.—As a boy he was the favorite of the whole School, for his straight forward, daring character.—Since the renewal of my acquaintance with him in India, I have had every reason to believe him a man of highly honorable and upright principles, and he is one in whose word I would place the utmost dependence, I may be permitted perhaps to add, that during the last four months, I have had great opportunities of testing his veracity, and that in every instance, in which corroboration of his word has been practicable, I have found it confirmed entirely.

This witness, J. H. Crawford, Esquire, withdraws.

The Prisoner here intimates that he has no more witnesses to call on his defence, and requests to be permitted to delay the reading of his written address until Tuesday next the 18th Instant, and the Court is accordingly adjourned until that day at 11 o'clock Forenoon.

SEVENTH DAY, TUESDAY, 18TH AUGUST 1840.

The Prisoner on the opening of the Court, requests its permission, to have his written Defence read by a Friend, which being acceded to by the Court, the following address is read by Mr. Crawford of the Bombay Civil Service.

DEFENCE.

MR. PRESIDENT AND GENTLEMEN,

I appear before you, as a Prisoner, after having held a Commission in the Hon'ble Company's Army, nearly one and twenty years, and maintained as I have shown you, by the Testimony of those of my friends, who happen to be in Bombay at this time, and will show you in the course of my defence, by the Testimonials of others, of the highest respectability in every branch of the public service, whose absence in different parts of this Presidency, prevents their giving Evidence to my Character in person, an unblemished reputation throughout that long period, accused of one of the most disgraceful, and heinous Offences, that can be laid to the charge of any man, and especially of one, who has been educated with the feelings, and prineiples of a Gentleman,—for notwithstanding the declaration of the Officiating Judge Advocate, on the opening of this Trial, in answer to my objection to the indefinite nature of the charge preferred against me, that I am not accused of Perjury, and that a Court Martial cannot try an Officer or Soldier for that crime, I know not to what class of crime, the offence of knowingly and wilfully giving false testimony on Oath, can be said to belong, if it be denied the name of Perjury.

2nd. Perjury, then Gentlemen is the Crime, with which I am in reality charged,—and charged under circumstances of greater difficulty, in respect to direct refutation, than I believe, has almost ever fallen to the lot of an individual so accused, for the offence imputed to me, has its rise in a conversation which is said to have taken place at Vingorla, in the Southern Konkan, in the early part of January 1839, and at which no other persons were present, than myself, and the three witnesses, who have been brought before you, to sustain the prosecution, Lieutenant Munro, Ensign Raitt, and Mr. Gibbard.

3rd. Of the previous state of feeling of these Gentlemen towards me, I shall have occasion to speak more fully by and by. It will be sufficient for me to say at present, that this is not the first time I have had to defend myself against their misrepresentations, having been called upon, as far back as the Months of March and April last year; to exonerate myself from the imputation of want of energy in one case,—want of courage in another,—and something like want of honesty in a third,—all founded on reports, that had got into general circulation, but which, as I shall show you hereafter, originated with the Individuals in question, whilst serving under my immediate Command.

4th. It is alleged in the charge against me, as far as I am able to understand its bearing, that I did in the conversation above alluded to, and with reference to a person, who had been taken Prisoner, and put to death by a party of Irregular Troops, under the orders of Mr. Gibbard at Kowtanee, in the Sawunt Warree State, express my approbation of what Mr. Gibbard there related, and advised him to make an Official report of the same, through me, his immediate Commanding Officer, that he Mr. Gibbard might obtain the further approbation of Superior Authority, and that I did at a later period, viz. between the 30th December 1839, and the 14th January 1840, on a matter deemed material to the Defence of Mr. Gibbard, in his Court Martial at Poona, depose on Oath, that I condemned the action of Mr. Gibbard, in not sparing the life of the said Prisoner, and that I did not believe the circumstance, having thereby knowingly and wilfully given false testimony on Oath, and according to my interpretation of the charge, been guilty of the Crime of wilful and deliberate Perjury.

5th. I contended in the objection I made to the charge on which I am now tried, on the first day of the Court's Meeting, and which is appended to its Proceedings, that the precise words I used in the conversation at Vingorla, ought to have been set forth, in the Accusation preferred against me, and every succeeding day's experience has convinced me of the justice of that objection, and of the disadvantages I have had to contend with in consequence of its having been overruled by the Court.

6th. But it is time, Gentlemen, that I endeavoured to ascertain for your information as well as my own, what Mr. Gibbard did relate, according to the witnesses for the Prosecution, on the day of his return to Vingorla from Sawunt Warree, when the conversation on which my subsequent Offence is based, is said to have taken place, and which I will consider to have been the 3rd or 4th January 1839,—Lieut. Munro the first evidence adduced for the Prosecution, on the first day of your sitting Tuesday 4th August, states as follows:

"When Captain Duff came to my quarters, he said to Mr. Gibbard, I hear you have been giving it to the Rebels. Come let us hear all about it. Mr. Gibbard then told Captain Duff, that he had been sent by Mr. Spooner, to a place called Kowtanee after some Rebels, that Mr. Spooner told him to make no Prisoners, and give no quarter, that he proceeded to Kowtanee with his men, and had a skirmish with the Rebels; that several of them had been killed, and that some of the Warree sepoys, *were bringing him a Prisoner*, when he waved his hand, and told them to take him away and shot him, Captain Duff then said well, *I am glad you have given it to them. It serves them right.* I wish you would make a written Report of it, and I will forward it on to the General; and you will get a compliment. He would like to hear the Gup."

7th "Ensign Raitt says on his evidence on the same day (4th August.)" "There was a conversation between Mr. Gibbard and Captain Duff, concerning what had taken place when at Kowtanee. Mr. Gibbard said, that he came up with the rebels at Kowtanee, on the Banks of the river, and had fired upon them, while crossing. Some of the Sepoys with him *were bringing a man a prisoner*, and he said, you have got your orders, and know what to do with him, and made a sign to them with his hand. He, the Prisoner was taken away and shot. Captain Duff appeared to be pleased with what he had related, and told him, if he made a report of it, he would send it to the General, as he likes to hear all the News."

8th. And Mr. Gibbard deposes as follows.

"After breakfast Capt. Duff came into Lieut. Munro's Quarters, and asked me what I had been doing, saying he understood I had been successful with the Rebels. I told him I had been sent to Kowtanee, by Mr. Spooner with orders to take no Prisoners, and to give no quarter, that I surprised a party of Rebels at Kowtanee, and that several of them were shot, crossing the river, which divides the Goa from the Warree Territory; that sometime afterwards, *four or five Rebels, were taken prisoners* by the Irregulars under my command, and that according to orders I had received from Mr. Spooner, I ordered them to be shot, that one of them was a leading Rebel named Goondee Purrub, and that he had offered a large sum of money for his life, but that still I had ordered him to be shot,—that on my return to Warree, *I had reported to Mr. Spooner, what I had done*, who had highly approved of my conduct." Captain Duff *was exceedingly pleased at my success with the* REBELS, and expressed his pleasure in several remarks he made, and said give me a written Report of what took place, and I will send it to General Salter, who will be pleased, I answered I was under Mr. Spooner's orders at the time, and having reported to him, I did not consider another report necessary.

9th. Lieut. Munro says, that I appeared to believe what Mr. Gibbard said, and certainly did not disapprove of it. Ensign Raitt tells you, that I did not condemn what Mr. Gibbard related and should say, I believed it, and Mr. Gibbard states, that I appeared to hear and believe what he said, and made no remark either then or afterwards condemning his proceedings at Kowtanee, which you will bear in mind Gentlemen, included according to Mr. Gibbard's previous testimony, and the wording of the question to which the answer last quoted was given, not the mere destruction of *a prisoner*, but the shooting of *four or five prisoners*.

10th. Having thus given, what appears to me, to be a fair statement of the evidence for the Prosecution, as far as it applies to the Offence, with which I am immediately charged, I must beg you to remember Gentlemen, that whilst Lieut. Munro and Ensign Raitt, speak of *one Prisoner only* having been mentioned by Mr. Gibbard, as having been shot by his orders, Mr. Gibbard himself tells you that in the conversation of the 3rd or 4th January 1839, he mentioned *four or five Rebel Prisoners*, having been so put to death, by his authority.

11th. In respect to the time, at which the conversation already alluded to took place, Lieut. Munro tells us on Cross Examination by me, on the second day of the Court's Meeting (6th August) "I cannot recollect the exact time of the day. It was sometime between eleven A. M. and six in the evening," and Ensign Raitt on the third day's proceedings (7th August) says, "I should say it was the evening, as far as I can remember" and to a question from the Court at a later period of the day he answers, "To the best of my recollection, I should say it was about six o'clock in the evenings," and Mr. Gibbard as recorded on the first day's proceedings speaks of the conversation as having occurred, during a visit made to him by me, after breakfast, which in the ordinary acceptation of such expression, would mean soon after breakfast, and place his relation of his proceedings at Kowtanee, at an hour no later than eleven A. M.

12th. Again although all these Witnesses in their evidence for the Prosecution, would evidently wish it to be inferred, that I approved of the whole of Mr. Gibbard's conduct, in the Kowtanee Affair, the destruction of the Prisoner or Prisoners in cold blood included, and intended him to submit all his proceedings at that place, to General Salter, through me, for the General's approbation, the admissions I afterwards extracted from them on Cross Examination, in respect to the merit that attached to such taking of life, after surrender, offer so strong a contradiction to the belief, that Mr. Gibbard could possibly get a compliment for the same, as completely to invalidate the conclusion they would have the Court to come to upon this alleged conversation at Vingorla, on the 3rd or 4th January 1839; unless indeed it can be believed, that I could possibly be weak enough, to wish to place a report before the Officer Commanding the Division for Mr. Gibbard's benefit, which included the narration of circumstances, which were so inevitably certain, to produce the very contrary result.

13th. The question put to Lieutenant Munro and Ensign Raitt, was as follows.

"Do you think, that a report to the General Officers under his command, containing an account of a Prisoner deliberately put to death after Capture or Surrender, was likely to meet his approbation, and obtain a compliment, for the officer, by whose orders the man was so deprived of life? To which Lieut. Munro replies, "*I do not think it would.*" Ensign Raitt says, "*I should think not*;" and why then, am I alone to be accused of the absurdity of believing, and intending to report to superior authority, for Mr. Gibbard's advantage, matters that were likely according to the opinions of his most intimate friends to bring down on him the General's displeasure, rather than his approbation"?

14th. I have been reasoning hitherto Gentlemen of probabilities, in order that I might meet the evidence on the part of the Prosecution, by showing in the first place, that the story of the witnesses carries its own refutation, from the manifest contradictions which it contains, and trusting that I have been able to bring this point with sufficient perspicuity before the Court, to insure it's being allowed it's due weight in their Judgment, I now proceed to assure this Court, in the most solemn manner, that not only did I never approve of the putting a Prisoner, or Prisoners to death, as imputed to me by the witnesses for the Prosecution, but also, that the words they have alleged me to have made use of, to Lieutenant Gibbard, "I wish you would make a written report and I will forward it to the General, and you will get a compliment, he would like to hear the Gup" or words to that effect, are, I regret to be obliged to say a gross fabrication from beginning to end, arising I must suppose, either from the previous ill will manifested towards me by these Gentlemen, or from a desire to palliate Mr. Gibbard's conduct at Kowtanee, on his Trial at Poona, regardless of consequences to me, and their endeavours to screen Mr. Gibbard by the means they then adopted, were so far successful, as to induce the Members of his Court Martial, to introduce, as one of the grounds of their recommendation of Mr. Gibbard to the Commander in Chief's favorable consideration. "The approbation which he sought, and received from the Political superintendent, (under whose orders he acted) *from his own immediate commanding officer*, (myself), and those with whom he associated," forgetting as it seems to me that no subsequent approbation of mine could justify, or extenuate, the previous culpable act of which they had found Mr. Gibbard guilty; and that as no part of the responsibility of that act, rested with me, I could have no sufficient motive, to deny on Oath before them, my belief and approval of the same. The utmost, Gentlemen, that could have been said of such approval on my part, after the offence was committed, by those who might differ with me in opinion, on the point in question, was, that I was a man of little feeling, and bad judgement, and there is surely nothing in such opinion of me by others, supposing it to have been entertained, to induce me to be guilty of the heinous Offence, with which I am now charged before this Court.

15th. The impossibility which exists from the time and place, and circumstances, under which the conversation at Vingorla on the 3rd or 4th January 1839, is said to have taken place, of my offering any distinct

contradiction to the Evidence, given by the witnesses for the Prosecution, has forced upon me, the necessity of adopting the line of defence I have been compelled to resort to, in this Instance, and of showing you from the previous departure of those witnesses from veracity, and from their deep seated ill will towards myself, how little reliance is to be placed in their Testimony before you.

16th. Mr. Gibbard has sworn on the Prosecution, that on his retun to Warree, after the affair at Kowtanee he reported to Mr. Spooner, what he had done, who highly approved of his conduct and on his Cross Examination, in answer to the following question "Do you mean to say that, *you reported the whole of your Proceedings to that Gentleman including the order you had given, for shooting the four or five Rebel Prisoners*, whom you state in your Examination on the 4th Instant, to have been put to death, by your orders at that place, on the 25th December 1838"? has also sworn as follows, "Yes I did, I reported to Mr. Spooner, that I had ordered the four or five Prisoners taken at Kowtanee, on the the 25th December to be shot, and that they were shot accordingly."

17th. Mr. Spooner, who certainly did not shrink from responsibility, in his Evidence on Mr. Gibbard's Trial, and whose Testimony, has been much relied on, in regard to its generally favourable tendency to him, was asked the following question, as already recorded in the proceedings of this Court, on that occasion, "Did you afterwards hear, that is after he had been informed of the putting to death of Goondee Purrub, that other Prisoners had been shot to death, and when did you do so?" and his answer runs thus, "I did hear so, but not at that time. It was about the month of April, when it reached me through a private conversation with an Officer totally unconnected with the Warree State," that is Gentlemen, about four months after the transaction had actually occurred.

18th. The question immediately preceding the one just quoted, was this, "Did Lieut. Gibbard report that Goondee Purrub had been put to death by his orders?"

To which the following was Mr. Spooner's answer, according to the Copy of Mr. Gibbard's Trial furnished me by the Judge Advocate General, which seems to require some trifling correction. "Lieut. Gibbard reported that the Sawant Warree Irregulars had been seized, and that he told them, that as they had been ordered by him not to take Prisoners, they were to take Goondee Purrub away as he did not wish to have any thing to do with him, and that afterwards, Goondee Purrub, was shot by the Irregular Sepoys, *that he did not see him himself*."

19th. And Lieut. Gibbard in his letter to Mr. Secretary Willoughby, of the 4th June 1839, proved on his Court Martial at Poona on the seventh day of its sitting 9th January 1824, and recorded in the proceedings of this Court, writes, with reference to the four or five Rebel Prisoners then alluded to for the first time by him, as follows. "I told the Jemadars to obey the orders they had received, and not to bring the men to me, *I saw none of them except the man who was released*. The rest were taken by the Irregulars and shot."

20th. And in answer to the following question, put to him on the present Trial. "Did you ever see any of the Prisoners before they were shot, I mean, were they all or any of them brought to you, either by the men of the 16th Regiment N. I. or of the Sawunt Warree Irregulars, before you ordered them to be executed;" Lieut. Gibbard says "*Yes*, they were brought up within ten or fifteen paces of the *House in which I was*, and were taken away immediately, I do not remember seeing any of the Prisoners, excepting the man who was released. There was a great assembly around them, consisting of a few regular, and a great many Irregular Sepoys."

21st. Havildar Pandoojee Chowan 16th Regiment N. I. has told the Court, that he took six Prisoners to Lieut. Gibbard at Kowtanee, that Lieut. Gibbard was standing near a Banyan's shop, and *that the Prisoners were brought within two paces of him, and that he saw the whole*, and you will no doubt Gentlemen remember, that when I was about to put a further question to the Havildar, with the view of establishing that Goondee Purrub was one of the six Prisoners, so brought into Lieut. Gibbard's presence, and one of the five afterwards shot to death by Lieut. Gibbard's orders, the Court said they were satisfied of that fact, and that I need not press that point further. The Havildar has also stated, in answer to a question put to him by the Court. *That they* (meaning all the six Prisoners) *were brought near enough to Lieut. Gibbard, for him to see them, that he cast his Eyes towards them, and that there was no obstruction between them*, and further in answer to another question from the Court. *That he brought the Prisoners up to him (Lieut. Gibbard) and said, Sir, I have brought these Prisoners, and pointed them out to him.*

22nd. Ramjee Palanday, a Private in the same Regiment, who was one of the party, which accompanied the Havildar, and Prisoners to Lieut. Gibbard, has also stated to you, Gentlemen, *that he took six Prisoners to Lieut. Gibbard*, that Lieut. Gibbard was standing twenty paces below the House of Narroo Kumla, *that he took them within two or three paces of him, and that he could see them.*

23rd. Mahdoo Ghan, a Fiddler attending Nautches, says that he was taken Prisoner by the Detachment under Lieut. Gibbard's orders at Kowtanee, *that they tied his hands, and took him into the presence of Lieut. Gibbard, that five Prisoners were taken before Lieut. Gibbard*, that he (Lieut. Gibbard) was standing near to Narroo Kumla's House, and that himself (i. e. the Fiddler) and the other Prisoners, were brought as near to him, as the Door in this Court, to which he then pointed, and which on being measured, was found to be eight or nine paces, or about six yards off, and that he Lieut. Gibbard saw them all. Madoo Ghan further states, in answer to a question from the Court, were you all bound when brought into Lieut. Gibbard's presence." "*Yes, we were all bound.*"

24th. I beg Gentlemen, here to draw your attention to the fact, that the three native witnesses, to whose Evidence before this Court, I have referred above, viz. Havildar Pandoojee Chowan, Private Ramjee Palanday and Madoo Ghan, Fiddler, were all brought forward as Evidences for the Prosecution, in Mr. Gibbard's Trial, by the Judge Advocate General, who thus speaks of them in his reply to Mr. Gibbard's defence on that occasion, "The only witness on the Prosecution, whose statement of circumstances is attempted to be impugned by contrary Evidence, on the Defence, is Madoo Ghan, the native Fiddler who was taken along with the executed Prisoners at Kowtanee, and afterwards released. But on a full and fair review of what is deposed to by that person, I will venture to maintain that his, Testimony on all material points, is deserving of credit, making those just allowances for discrepancies, to which not only native, but European Witnesses, far more accustomed to judicial Examination, than he can possibly be, are not only liable, but have frequently fallen into, without any sinister or evil motive being attributed to them."

25th. Making then, also in the present case, that fair allowance for discrepancies, which the Judge Advocate General admits to be just, on all occasions, and taking also into account, the state of alarm in which Madoo Ghan naturally stood, before Lieut. Gibbard, when his life or death hung by a thread, you will have no difficulty in reconciling his statement in regard to the distance at which he was placed from Lieut. Gibbard, with that given by the more collected Witness, Pandoojee Chowan, and Ramjee Palanday nor in accounting for other trifling differences that are perceptible, in some parts of the Evidence of the two last mentioned Individuals. I did not send for any one of these Witnesses, their Testimony became accidentally placed within my reach, and I have, used it as a proof of the little dependence you can have, on the statements Mr. Gibbard has thought fit to make, on this portion of the Kowtanee affair, at different times, and in corroboration also, of the little claim he possesses to your belief generally.

26th. I have said Gentlemen, in an earlier stage of my Defence, Para: 19, that the first time Mr. Gibbard ever alluded to the destruction of more than one Prisoner, was on the 4th June 1839, and this as it appears to me, is a very important point to be attended to, by this Court at the present time. This one Prisoner, was Goonda Purrub *and him, and him only*, did Mr. Gibbard mention to Mr. Spooner, as having been put to death at Kowtanee, by his Mr. Gibbard's orders, on his return to that Gentleman, at Sawunt Warree two or three days after that event took place, and by Mr. Gibbard's silence on that occasion, in regard to the other four prisoners, as well as in all later time, Mr. Spooner was allowed to continue in entire ignorance of the putting to death of any other prisoners at Kowtanee, until he heard of the circumstance, through a private conversation, with an Officer totally unconnected with the Warree state, about four months afterwards.

27th. To Lieutenant Munro and Ensign Raitt also, *one prisoner only was mentioned by Mr. Gibbard*, as having been put to death at Kowtanee, when he returned to Vingorla ten days after the affair at the former place had occurred; and this one prisoner, Lieutenant Munro and Ensign Raitt afterwards understood from Mr. Gibbard, to be Goondee Purrub, and no one, as far as I have been able to discover, and have already stated above, ever heard from Mr. Gibbard of more persons than this Individual, having been put to death, by his orders there, until after the circumstance became matter of such general notoriety in Bombay, as to render concealment no longer possible, and *then* Mr. Gibbard admits in his letter to Government, dated 4th June 1839, in reply to an official call for explanation, in respect to his proceedings at Kowtanee, that four or five prisoners were shot there by his orders, on the 25th December, or Christmas day 1838, but he adds at the same time, with a degree of confidence, to which this Court must be able by this time to assign its just value "*I saw none of them except the man who was released.*"

28th. What Gentlemen, but an inward conviction of wrong doing, could lead Mr. Gibbard to maintain an unbroken silence, and especially towards Mr. Spooner, who had not been slow to approve his conduct generally, in regard to the four other prisoners, besides Goondee Purrub shot to death by his orders, for upwards of five months after their decease, and then, only discloses the fact, when longer concealment was beyond his power, and how then, Gentlemen, can you, if you believe, as I honestly do, that this was the feeling that influenced Mr. Gibbard's conduct, during that period, for a moment suppose, on his authority, that I approved the wanton destruction of life, that he was at so much pains to conceal.

29th. Lieutenant Rigby, and Lieutenant Orrok have both told you, in their Examination for the Defence, on the 4th day's meeting or 8th August, that Lieutenant Munro mentioned Lieutenant Gibbard's affair at the Mess of the 16th Regiment N. I. to which they all belong, a very few days after his arrival in Bombay from Vingorla, towards the end of February last year (1839) and Lieutenant Rigby has further added, on cross examination, in reply to a question from the officiating Judge Advocate. "He had been relating different things that had taken place at Warree, and in the course of this conversation, he also mentioned, what I have before stated. He appeared to have heard of it before he came to Bombay, and was giving it to us, as news."

30th. Both Lieutenant Rigby and Lieut. Orrok had as the Court will probably recollect, though the circumstance was not recorded, a strong impression on their minds, though they could not speak positively of the fact at the time of their examination here, that Lieutenant Munro mentioned the affair at Kowtanee, as they have respectively related it, on the first day of his return to Bombay, and connecting this circumstance, with a conversation which Lieutenant Jopp, as I have since discovered, states in answer to question No. 306 in the Court of Inquiry on my conduct, last year, to have taken place at the Mess, on the day of Lieutenant Munro's arrival in Bombay from Vingorla, and which Lieutenant Rigby and Lieutenant Orrok both remember to have taken place at the same time, that Lieut. Munro mentioned the Kowtanee affair there, no doubt can exist, that his narrative of that affair, also occurred as they had previously supposed, on the very day of his return to Bombay. This is an important fact to bear in mind, in relative to matters of a somewhat later date, for notwithstanding the account Lieutenant Munro had given of the destruction of life, after capture or surrender, by Lieutenant Gibbard at Kowtanee, on the 25th December 1838, on his first appearance in Bombay as above, and which a certificate from the Town Major appended to this defence, fixes at the 23rd February 1839, we find him forgetting, whether conveniently or otherwise, you Gentlemen, are to determine, that he had any previous knowledge of the Kowtanee affair, as soon as an Investigation appeared likely to be entered on respecting it.

31st. Lieutenant Rigby says, in answer to a question I put to him on the 4th day of the Court's sitting. "On returning from Parell I mentioned "to Lieutenant Orrok in Lieutenant Munro's presence, having heard the subject of Mr. Gibbard "having put men to death, talked of at Parell; and "that it was likely to be a serious thing." "*Lieut. Munro said I am sure it cannot be true,—I hope for Gibbard's sake it is not true*" and Lieutenant Orrok says, in answer to a question of corresponding import, with that put to Lieut. Rigby, "I recollect Mr. Munro being present, when Lieut. Rigby mentioned that the affair had been talked of at Parell, *and he (Mr. Munro) said I shall be very sorry if it is the case on account of poor Gibbard, or some words to that effect*. And yet, Lieut. Munro, Gentlemen, is the same Individual, who now wishes you to believe, that he never saw any harm in the Kowtanee affair, and that I went the full length of approving it, and wished to obtain a compliment for Mr. Gibbard, from superior authority, for his conduct on that occasion.

32nd. Lieutenant Rigby gives an account of a later interview with Lieutenant Munro, in the early part of the month of May 1839, in the following words. "Lieutenant Munro came into my "Tent, I think the evening before we assembled "at Col. Capon's quarters, to state what we know "about Mr. Gibbard's affair, and said, I understand you are going to say, that I have been "speaking at the Mess, about Gibbard's putting men "to death. You know I have never said a word "about it, I made it a rule not to speak on the "subject. You must have dreamt it, you know you "must; havn't you? I replied Munro, if I am questioned; I must state what I have heard, and to the "next question, viz."—"What object did Lieut. Munro appear to you to have in addressing you as described in your answer to my last question." Lieut. Rigby replies, "It appeared to me that he wished to disavow all knowledge of the subject, as it was likely to come under Investigation, and he tells you in his next answer, that the account Mr. Munro gave at the Mess, was the first he (Mr. Rigby) heard of Mr. Gibbard's putting men to death."

33rd. Lieuteuant Munro's visit to Lieut. Rigby, not having been altogether so satisfactory, as he desired, he proceeded the next morning to Lieut. Orrok's Tent, and without telling him, that he had seen Mr. Rigby the preceding evening, said to the best of Lieut. Orrok's recollection. "Fancy, that fellow Rigby has been telling Capt. Duff that I have "been relating the story at the Mess, about Gibbard's affair at Kowtanee. He went on then to say "that he had not said any thing of the kind at the "Mess. I made no reply to this, and soon after, he "asked me if I heard him. I then said to him, as I "understood there was to be an Investigation about "it, I did not wish to be hauled in as an evidence, but "as he asked me, I would say, that I heard him "mention it at the Mess. I believe he then said, "that he did not recollect it," this was all that occurred.

34th. Having proceeded thus far into an examination of Lieutenant Munro's aptness to remember, or forget as circumstances make it convenient to him at the moment, I must draw your particular attention, Gentlemen, to the answer he gave to my question on Cross Examination, on the second day of the Court's sitting, respecting his visit to Mr. Rigby, on the evening preceding the Assembly of the Officers of the 16th Regiment N. I. at Colonel Capon's quarters. Lieutenant Munro's reply is in the following words. "No I do not recollect speaking to Mr. "Rigby on the subject, but I asked Mr. Orrok if he "ever heard me. He said. Yes.—I then told him that "I understood Mr. Rigby had been saying, that I "had mentioned something at the Mess, one evening "regarding the Kowtanee affair, I told him that I "did not recollect a word about having said so at "the Mess. I asked him if he had heard me, and he "said he had, *and moreover he told me, he had before I mentioned it, heard of the affair from Captain Duff, himself; that I might make use of his name, that he had so heard it. This occurred on the morning of the day, when the Officers met at Colonel Capon's quarters.*

35th. The visit to Lieut. Rigby, having reference to the same subject, as the visit to Lieut. Orrok, and the latter having indeed, as it appears to me, been a consequence of the former, it is difficult to understand, how one should be altogether forgotten, and the other distinctly remembered, particularly as they both occurred at a time, that must be strongly marked in Lieut. Munro's mind, viz. immediately preceding the assembling of the Officers at Colonel Capon's quarters, and were connected with a subject of great interest to him at that moment, viz. the investigation into the Kowtanee affair; but this, Gentlemen is not the important point on which I am anxious to fix your attenti n, though it is I conceive, entitled to a considerable weight in the general estimate you are to form of Lieut. Munro's memory and veracity at this time. The evidence, which I desire to place *prominently before you* is the concluding part of Lieut. Munro's last answer, volunteered as it seems to me, for the purpose of fixing me, with a communication to Lieut. Orrok, which I shall show you by and by, it was impossible I could have made, even if the flat contradiction which Lieut. Orrok gives to this part of Lieut. Munro's Testimony, had not been forthcoming, to set that point at rest, in every candid and unbiassed mind. The words were these, *and moreover he, (that is Lieut. Orrok) told me he had, before I mentioned it, heard of the affair from Captain Duff himself, that I might make use of his name, that he had so heard it. This occurred in the morning of the day when the Officers met at Colonel Capon's quarters.*

36th. Let us now see, what Lieut. Orrok himself says on this subject. He was examined on the fourth day of the Court's sitting, and two days after Lieut. Munro's deposition on Oath, as above, and the following questions were put to him, and answers given by him, on that occasion.

Q. "Did you ever tell Lieut. Munro, that you had heard of the Kowtanee affair, before he mentioned it at the Mess?"

A. "*No certainly not.*—I mean about the Prisoner being killed.

Q. "Did you ever tell Lieut. Munro that you had, before he mentioned it, heard of the affair from me, and that he might make use of your name?"

A. "*No, certainly not.*"

Q. "From whom did you first hear the account of the Prisoner alluded to being killed?"

A. "*From Lieut. Munro.*"

37th. Thus Gentlemen, you have a distinct denial by Lieut. Orrok, of the statement made by Lieut. Munro, and as *he* declared, on Lieut. Orrok's authority:—Both Lieut. Orrok and Lieut. Rigby have told you, that the first account they heard of the destruction of life at Kowtanee, was from Lieut. Munro, very shortly after his arrival, and I have fixed this communication, to have been made on the very day of his arrival, the 23rd February 1839, just *six days* anterior to my departure from Vingorla, which I left with the remainder of the Detachment, that had been for some time under my orders there, on the morning of the 1st March 1839, and *sixteen days* anterior to my arrival in Bombay, which took place on the 11th March 1839, as proved by the Certificate from the Officer (Captain Cotgrave) at present in charge of the Town Major's Office, appended to these sheets.

38th. I will now pass on to the evidence of Major Cathcart 10th Regt. N. I., on the fifth days sitting of the Court, Tuesday 11th August, which runs as follows.

Q. Have you had any opportunity of forming an opinion, on the accuracy of Mr. Munro's recollection of past transactions?

A. Yes.

Q. Do you think he is accurate in his memory or otherwise?

A. *During the time Lieut. Munro was an evidence at a Court of Enquiry of which I was President, he appeared to forget many things, until he was Cross Examined, and then appeared to recollect them.*—This can be seen, by referring to the Court of Enquiry in question.

Q. Was his memory equally bad, when the circumstances were favorable to, as when they were unfavorable to the accused?

A. *His memory was generally very bad, regarding any thing that was favorable to Captain Duff, otherwise he appeared to recollect things very well.*

39th. And here, Gentlemen, relying on my right to put any questions to this Witness *which were calculated to establish proof of previous ill will to me on the part of Lieut. Munro*, I was proceeding to ask one, which would have drawn forth, a faithful detail of all the falsehood stold by Mr. Munro at the Court of Enquiry, that sat on my conduct last year, but was overruled by the Court, on the ground of this being a collateral issue, into which I was not entitled to enter, and also as I understood the matter, because Mr. Munro's Testimony there, not having been given upon Oath, he could not be made legally responsible, for what he had seen fit to state on that occasion. I have mislaid the question so overruled, and am therefore unable to place it as I desired to do, on record here. Its rejection however, appears to have arisen out of an objection taken to the last question, put to Major Cathcart by the Officiating Judge Advocate, after both question and answer had been recorded, as I gather from the minute of the Proceedings in closed Court, read by that Officer in open Court, when I tendered the further question, above mentioned.—"The Court is here closed, and the Officiating Judge Advocate states to them, that not having perceived the drift of the last question put by the Prisoner to Major Cathcart, he did not object to it. It appears to be one however, which he considers objectionable, on the ground of its tending to impeach the Credit of the Witness Lieutenant Munro, on a particular collateral fact, instead of bearing against his general Character for Veracity. He therefore begs to suggest to the Court that the question and answer referred to, be struck out of its proceedings. The votes of the Court are here taken on the matter and they decide on the question and answer, remaining as they have been put on record, but that no other question of a similar nature shall be allowed to be put to any other Witness."

40th. Lieutenant Prendergast 10th Regiment Native Infantry was the next Witness examined by me. To my first question. "Have you had an opportunity of forming an opinion of the accuracy of Mr. Munro's recollection of past events"? He answered—"Yes I have"—and to the Second question. "Do you think he is accurate in his memory or otherwise," he replied I should say very inaccurate. The Third question that I desired to put to Lieutenant Prendergast, viz. "Have you had any opportunity of forming an opinion of the accuracy of Lieutenant Munro's memory, in matters in which my Interests have been concerned"?—Having also been overruled by the Court, I considered it was unnecessary to proceed further with the examination of this Witness, and his Evidence here terminated on my behalf.

41st. Another avenue to the *exposure of the unsparing ill will* and want of veracity of Lieutenant Munro in respect to myself, was thus closed upon me, but I feel confident, not before the veil had been sufficiently withdrawn and *that* by the Testimony of one, who held the situation of President of the Court of Inquiry, by which I was fully and honorably acquitted. To satisfy this Court, of the foul Character of the Evidence, I am called again this day to refute.

42nd. To revert again, to Lieutenant Munro's Testimony on the last day of the Court's sitting; I was desirous of putting the following question to Lieutenant Munro after the officiating Judge Advocate, had sworn him as Witness on my behalf. "Have you ever so spoken or acted in regard to my professional Character, as a Brother Officer, as to draw down upon you the marked disapprobation of the General Officer in Command of the Army?" but was stopped by the Officiating Judge Advocate, on the ground that I was not allowed to discredit my own Witnesses, Lieutenant Munro, Gentlemen, had been a Witness for the Prosecution, and though I might not be strictly entitled to re-examine him, on his original Oath, as such Witness, after my Cross Examination of him was over, I believe that the indulgence of re-examination is very seldom, if ever denied to a Prisoner, either by the Court or the Official Prosecutor on the part of the state—and more especially when the nature of the charge is such, as to leave no means to the prisoner, of direct contradiction of the evidence for the Prosecution, from the parties who are to support it, having so laid their accusation, that no direct Testimony, but their own, should be procurable.—The reswearing therefore of Lieutenant Munro in this Instance, appears to me to have been unnecessary, and only calculated, still further to contract the means of defence, on my part.

43rd. Bearing Gentlemen, in mind, what no one in this Court, will I am sure gainsay, that the word of an Officer and a Gentleman, should be as sacred as his oath, I am reduced, by the denial to me, of the further Testimony of Major Cathcart, Lieutenant Prendergast and Lieutenant Munro, to the necessity of placing before you, in the only mode now left me, what I would have proved from the mouths of all those Witnesses, in regard to the previous ill feeling towards me of that latter Officer.

44th. I would have shown you in the first place Gentlemen, that the report of my alleged want of energy at the recapture of Warree, on the morning of the 6th November 1838, had its rise in a letter from Lieutenant Munro, then *Adjutant to the Detachment under my orders*, to Captain Crispin, written a few days after that date stating that in my official Report, I had made myself a great Hero, whereas I might just as well have been at Dapoolie* and that notwithstanding his being the author of that letter, he (Lieutenant Munro) has stated, that he was not aware where the Report regarding the Sawunt Warree Affair, relative to my conduct originated, and further, that he first heard the Reports injurious to my character, in regard to that transaction, at Vingorla and afterwards at the Mess of the 16th Regiment in Bombay.

45th. *Again*, I would have shown you, that after Lieutenant Munro, had on one occasion deliberately given an account of my having, in consequence of an Express from Warree, ordered him to warn as many men as could be spared, to go to Warree immediately, and stated that though he reported the party was ready, between twelve and one o'clock, and that it did not move off till two o'clock, and that he knew of no cause of delay,—he was forced some days afterwards to admit, that the cause of delay was the arrival of a Native Officer's party, after he had reported the other party ready, and that the newly arrived party, were required to get ready with all speed, and eventually marched with them, adding however, with his accustomed convenience of memory, that he did not recollect the thing, when he made his first statement on the subject.

46th.—*Again*, I would have shown you, that although Lieutenant Munro, could with equal deliberation state that this party, proceeding to the relief of Warree, marched slowly, and slower than usual; and that the only way he could account for it, was, that I was riding an old Horse and the road was rather bad, after leaving the Main road, he was at a later date, compelled to admit, that the party with me, had forty rounds of ammunition in their pouches, and eleven spare Boxes of ammunition carried on Biggaries whom he was several times obliged to tell; *chull chull.*

47th.—*Again*, that having told Captain Crispin, that I remained on this occasion, a very long time at the bottom of the Malegam Ghaut, smoking cheroots, if not two hours, certainly more than one hour, Lieut. Munro was subsequently obliged to allow, that the reason of my wasting so long at the Malegam Pass, was, that I was waiting for Torches, that there were Reports of Insurgents being near the Ghaut, that I

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*Sawunt Warree, November 7th 1838.

SIR,—I have the honor for the information of the General Commanding the Division to report that with the Detachment under my Command I attacked the Fort of this place about four o'clock yesterday morning. Captured it, released the Raja, son and Prime Minister and took 87 Insurgents. disarmed them and then delivered them over to Mr. Spooner the Political Superintendent.

I was in every way greatly assisted by Lieutenant Munro and Ensign Gibbard throughout the whole affair. Tomorrow after leaving fifty additional Men of the Detachment under Ensign Gibbard according to a requisition made by the Political Superintendents march to Vingorla.

I have the honor &c.

(Signed) D. G. Duff. Capt. 16th Regt. N. I.

To Capt. DURACK, Depy. Assist. Qr. Mr. Genl. S. D. Army, Belgaum.

put a Subedar's party in front, and loaded them as an advanced Guard,—that it was very dark at that time with drizzling rain, and that the Report of the Insurgents being about the Ghaut, was brought by a Native Horseman, who brought a letter from Mr. Gibbard, to Lieutenant Munro himself, during the time the Detachment was so halted for Torches, at the foot of the Ghaut.

48th.—*Again*, I would have shown this Court, that although, when Warree was retaken from the Insurgents, I might, on Lieutenant Munro's authority in writing, as well have been at Dapoolee, admissions were extracted from him in Bombay, that he *believes*, I went round the Fort before I went to sleep,—that if he *recollected* rightly, I told him that I did, and at best a direct acknowledgment, that I did tell him so the Evening of the Detachment's arrival at Warree before I went to sleep, and further that he was also obliged to admit, that *he believed*, I had a conversation with Mr. Spooner, about scaling ladders before I went to sleep, but does not *recollect* having heard me so speak, that it was to the *best of his Lieutenant Munro's recollection* arranged that he should nail the Bag of Gunpowder to the Gate of Warree, in the Morning, before I went to sleep, that I was with the Political Agent, and the Detachment when it marched to the attack of Warree in the Morning, that when Lieutenant Munro was nailing the Bag of Powder to the Gate, the Detachment was about thirty or forty paces from him, and that I was with it,—That when the Gate was opened I came up with the Detachment, and the Political Superintendent, and further again, that previous to my going to sleep, which Lieut. Munro though was about ½ past 12 o'clock. I partook of Supper with him, Mr. Gibbard, Ensign Raitt, and Mr. Spooner, and that we were conversing about the intended attack in the morning, that Lieut. Munro, *believed* he was with me, at the opposite side of the Brigade, when the Peon lighted the Match that a party was placed over the Gate, when the Detachment got possession, and that I being present, it must have been so placed by my orders.

49th.—The above Gentlemen, are some of the statements and subsequent admissions, which Lieut. Munro would have been compelled to acknowledge, had I been permitted to examine him to those points before you; but Major Catheart, and Lieut. Prendergast, besides confirming the foregoing, would have told you on the authority of the native Commissioned, and non Commissioned Officers and Privates, composing the Detachment, of which according to Lieut. Munro's account, I was so useless and unworthy a head, that during the time Lieut. Munro was nailing the Bag of Gunpowder to the gate, I was constantly at his side, that when the Peon lighted the Match, Lieut. Munro and myself were standing together on the Bridge, that the whole party was loaded in the Bazaar at Warree on our arrival there, about 10 o'clock on the evening immediately preceding its recapture (or 5th November 1838) that Lieutenant Munro, Mr. Spooner, Mr. Gibbard and myself were standing together at the time, and that the party was loaded by Lieut. Munro himself, by my order, that a Jemedars party was placed the same Evening by me, at the large gate of Warree, that a Subedars party was placed at the Kastee gate, I visited the different Posts several times during the night, that when the wicket of the large gate was opened after the explosion of the Powder, Liuut. Munro and myself, were the persons, who went up to push, and keep it open, and that we entered the Fort together through that gate. In short, that I performed every duty that belonged to my situation, as the Officer in Command of the Detachment, throughout the whole affair.

50th. *Again*, I would have shown you, in further proof of the little pretension Mr. Gibbard can advance to the virtue of veracity, and his proneness to rhodomantade even when the character of a Brother Officer is at stake, that although he could write a letter from Warree, to Lieut. Munro at Vingorla, immediately after the attack of the Insurgents, on my small party of twenty one men at the foot of the Malegam pass on the 21st December 1838, but of which I was not informed, until my arrival in Bombay in March 1839, containing the following passage—"Very bad Duff's running, he passed upwards of twenty strong Houses where he might have defied a thousand Men, and one hour afterwards, *I had* the road clear,—and could state in the presence of Lieutenant Munro and myself, at Vingorla, on his return there in January 1839, that *he* was in possession of both the pass and bottom of the Ghaut at 9 and of the 21st December 1838,—that *he Mr. Gibbard*, was obliged to admit, after some hesitation, on my then flatly contradicting him, and telling him it was impossible, *that he was not there himself*, but that Subedar Gunnajee Pakur, was the Subedar and his party, even not having left Warree till half past ten o'clock that morning, an hour and a half after Mr. Gibbard said he was in possession of both the pass and bottom of the Ghaut, and *Mr. Gibbard not having quitted Warree at all.*

51st. *Again*, I would have shown you, that Lieutenant Munro after having stated that in the affair at the Malegam Pass on the 21st December 1838 three Men out of four Sepoys and two Biggaries were wounded, in the back, with the evident intention of bringing discredit on the whole party, myself included, was obliged to admit, that he had frequently, previous to the assertion so made, visited the wounded in Hospital, and that not one of the four wounded Sepoys, was wounded in the back, but all in places, which showed they were fronted to the enemy, when they received their wounds.

52nd. *Again*, I would have shown that Lieutenant Munro, and Ensign Raitt, had both given currency to reports, that the men belonging to the above party, had said they would not go on service with me again, which on investigation turned out to be totally void of foundation, the Men distinctly denying they had ever said any thing of the kind, and stating without a moments hesitation, that they were ready to go with me on service, any where.

53rd. *Again*, I would have shown you, that Ensign Raitt's memory is occasionally, from some cause or other, of a very defective character—its great accuracy on some points, and his total want of recollection of others, occurring at the same time, and connected with the same subject, where different Interests prevail with many other matters, on which I need not occupy your attention at this late period, though I cannot avoid adding in the last place, as connected with the previous ill feeling of Lieutenant Munro and Ensign Raitt towards me, that I would have shown you, how frequently the former was reminded by the Court of inquiry of the necessity of giving a direct answer, to a plain and simple question,—how different it was to extract from him an answer, when its tendency was to do me service, and how fresh his memory was on every matter, that he thought could operate to my disadvantage and further, the necessity the Court of Inquiry felt themselves under, of bringing the extraordinary discrepancies in the evidence of those Witnesses, and their faulty memories to the particular notice of the Commander of the Forces,* whose sentiments on the whole Proceedings of that Court in the Months of March and April 1839, with reference to my conduct, in the Sawunt Warree country were published to the Army in a General Order, dated 1st May 839, of which the following is a Copy.

GENERAL ORDERS.

Head Quarters: Bombay, 1st May 1839.

BY MAJOR GENL. SIR J. F. FITZGERALD, K. C. B.

The Commander of the Forces, has had under consideration, the proceedings of a Court of Inquiry on certain points, connected with the conduct of Captain Duff of the 16th Regiment N. I., whilst in Command of a Detachment at Vingorla, and after an attentive perusal of every thing which is therein recorded, it affords him great satisfaction, to express publicly, his entire concurrence in the opinion of the Court, which is in every respect, highly honorable to Captain Duff.

But in doing justice to that Officer, Major General Sir John FitzGerald regrets that from the papers before him, it becomes his duty, to notice with great disapprobation, the conduct of others of the same Regiment, junior to Captain Duff, in respect to the manner in which they have conducted themselves, in the matter lately under investigation.

As one of the Younger Officers,* whose name appears on the proceedings, as having permitted himself to make insinuations against Captain Duff, was not examined, and therefore had not an opportunity of explanation, the Commander of the Forces, will not further advert to him and from the short standing in the service of Ensign Raitt, the Major General is willing to attribute the impropriety of conduct in that Officer, to unexperience and want of consideration.

But the same grounds of excuse cannot be extended to Captain Crispin and Lieut. Munro, who appear for reasons best known to themselves, to have endeavoured to bring the professional character of their Senior Brother Officer, into disrepute, thereby indicating such improper feelings, both as Officers and private individuals, as renders it unnecessary for the Commander of the Forces, to make any further remarks.

In concluding these observations Major General Sir John FitzGerald, cannot too strongly impress the indispensable necessity, of Officers placed in Command of maintaining the strictest controul and of checking at the instant, the slightest mark of disobedience in whatsoever rank, as on this principle hang the mainspring of Military operations, from the head, all orders should emanate, and the Senior Officer must naturally expect the zealous and active co-operation of all ranks.

By order of Major General Sir J. F. FITZGERALD. K. C. B. Commander of the Forces.

(Signed) STRATFORD POWELL, Lieutenant Col. Adjutant General of the Army.

54th And here let me remind you Gentlemen, that all this mischief making of Lieutenant Munro, Ensign Raitt, and Mr. Gibbard, was going on whilst they were Officers belonging to a Detachment under my immediate Command, Lieutenant Munro being in direct correspondence with other Officers of the Regiment at the Presidency, and Ensign Raitt and Mr. Gibbard, when absent from the Head Quarters of the Detachment, in like communication with him to the prejudice of my Character as an Officer and my bearing as a Gentleman. Let me remind you too, that Lieutenant Munro had been at that time upwards of thirteen years in the service and was bound as an Officer of greater Experience than themselves, *and especially as my Adjutant at the time* to check, instead of encourage the Junior Officers of the Detachment in their endeavours to do me injury with the Regiment at large.

55th. My ignorance of what was then going on around me and my discovery of it after my return to Bombay, will sufficiently account to you, Gentlemen, for my being, as some of these witnesses have told you, on good terms with them, up to the time of our respective departures from Vingorla, and for my afterwards declining the honor of their further acquaintance, as the several parts they had taken in the proceedings to my disadvantage; whilst under my Command at Vingorla, because successively developed here.

56th. I will venture confidently to state; in conclusion of my observations, on this prosecution, that there is not a member of this Court, or any individual now within its walls, who hearing for the first time of the *Massacre of a Prisoner after surrender by a British Officer* would give credit to the assertion, or who if the fact were attempted to be pressed upon his belief, would not condemn the act, as I unhesitatingly and solemnly repeat I did, though the Witnesses for the Prosecution stoutly deny my having done so.

57th.—I have thus Gentlemen, commented as far as time has admitted, upon the Evidence by which this Prosecution has been supported,—The Evidence of Lieutenant Munro, Ensign Raitt, and Mr. Gibbard,—Evidence, let me beg of you to bear in mind, of such a character as does not admit of direct disproval, it being confined exclusively, to a conversation alleged to have taken place; when none other than the parties above adverted to, were present, but I confidently leave it to you, Gentlemen, to determine, whether I have not met that Evidence by every species of refutation, to which it is open. Gentlemen *I have met it*, by an unequivocal denial of the charge itself.—*I have met it*, by showing the contradiction, the words "I am alleged to have made use of, viz." I wish you would make a written Report of it, and I will forwarded it to the General, and you will get a compliment, he would like to hear the Gup involving in themselves, the Witnesses for the Prosecution admitting, that the Act which was to be reported, viz. The destruction of Prisoners after surrender, was not an Act, that could possibly obtain a compliment from superior authority. *I have met it* by showing the discrepancies of the Witnesses, in respect to the time; this alleged conversation is said to have taken place, and the number of Prisoners to which it referred, and the anxiety evinced by Mr. Gibbard to conceal the number actually destroyed, until disclosure was forced upon him, by the notoriety of the fact in all quarters, together with direct contradiction of his evidence before this Court, and previous assertions elsewhere, on all points open to such contradiction. *I have met it* by showing the desire manifested by Lieutenant Munro, in his conversation with Lieut. Rigby and Lieut. Orrok to get rid of the recollection of all circumstances, connected with this alleged conversation, and by exposing the contradictions he was led into, in respect to his narration of this transaction at the Mess. *I have met it*, painful as it has been to me to do so, with respect to a Brother Officer, by calling in the testimony of that Officer (Major Cathcart) who sat as President of the Court of Inquiry on my conduct last year, and who has unequivocally shown, the little dependence that is to be placed on Lieut. Munro's testimony, in any matter in which my interests are concerned, and to which strong confirmation has been given, by his (Lieut. Munro's) endeavour to fix upon me, on Lieutenant Orrok's authority, the circulation of a report, which has been so satisfactory proved, to have emanated from himself. *I have met it* by showing the previous ill will, of one and all of the witnesses for the prosecution towards me, by laying before you, as the only means that remained in my power, when the Viva Voce Examination of the witnesses to the facts was debarred me, a chain of matter which from the wilful suppression of some circumstances, and no less wilful misapplication of others, was intended to operate to the calumniation of my character, both as an officer and a Gentleman, but in which, from circumstances beyond the control of the parties, they happily and signally failed, as the General Order by the Major General Commander of the Forces, of the 1st May 1839, which I have laid before you, abundantly establishes at this time, *I have met* it by placing in oppositioa to the Evidence of those Witnesses (Lieut. Munro, Ensign Raitt, and Mr. Gibbard) the Viva Voce Testimony of gentlemen, now in Bombay, who have known me for ten, fifteen and twenty years of my life, and who do not hesitate to declare, that the crime with which I am now charged is one of which they believe me to be utterly incapable, *and I have yet to meet it* by appending written Testimonials, from numerous other friends in every branch of the public service, who in consequence of absence, I have not been able to bring personally before you, but whose Testimony I feel assured, will not on that account be less appreciated by a Court, composed of members with whom the word of a Gentleman is held in the same Estimation as his Oath, Gentlemen, I might here ask you, in what other way, is it possible for one in my circumstances, to meet such a charge I know of none, and therefore do feel, after the patient hearing this Court has so considerately granted me, and for which I beg to offer my grateful acknowledgements, that I may now commit, without one misgiving apprehension, my case into your hands, in the full assurance, that as in the former instance, and under the same evidence, I met with a complete and honorable acquittal so will this further investigation redound equally to my honor, and that I shall be again able, by your decision, to meet my Brother Officers and friends, without one stain upon my character, either as an Officer or a Gentleman.

(Signed) D. GEORGE DUFF, Captain, 16th Regiment N. I.

Bombay, 18th August 1840.

(The written Testimonials of Character reported to above, are printed as appendix to those proceedings, and numbered from No. 1 at 9 inclusive.—Editor.

MR. CRAWFORD then placed before the Court, the written Testimonials to character which will be found subjoined No. 1 at 9.

The officiating Judge Advocate immediately afterwards, read his reply of which not having been able to obtain a copy, we must be content to say that having been prepared before that officer had any knowledge of the nature of Captain Duff's defence, it could not of course have any but very partial reference to the facts or arguments adduced in that document, in refutation of the Evidence by which the charge against Capt. Duff was attempted to be supported.

The reply as far as it was possible to follow the officiating Judge Advocate in the low tone of voice in which it was read, went to say that as there had been no direct contradiction offered to the Evidence given by the three Witnesses for the Prosecution, there was nothing to shake their Testimony on the points to which they had deposed, and that he was entitled to expect the same reasonable allowance for the discrepancies in the Testimony of those Witnesses on which the Prisoner had remarked as Captain Duff claimed for the discrepancies in his own Witnesses in the Defence just read.* The officiating Judge Advocate further endeavoured to reconcile the different accounts Lieut. Gibbard had given at different times, of the number of prisoners put to death by his orders at Kowtanee, by referring to a portion of Lieut. Gibbard's Defence on his Court Martial at Poona, of which the following is believed to be the substance, if not the precise quotation cited by the officiating Judge Advocate on this occasion.

"There is one circumstance which it is far from "my intention, as it would be foreign to my charac"ter to pass over in silence. The point I allude to, "is the fact of its appearing that I had in my com"munication to Mr. Spooner and to the officers at "Vingorla, made mention of only one prisoner being "shot. The only way in which I can account for "their being able to speak as to the death of merely "one Prisoner is, that Goondee Purrub was by "name well known to all of us, known moreover as "a person of great importance amongst the rebels, "not only from his own influence, but from that of "his family and relations; the other prisoners being "people of no note, and whose very names were "unknown, it is very probable therefore that I may "have laid more stress upon the circumstance of "Goondee Purrub's death than of the others, and "Mr. Spooner and my Brother officers may for the "same reason, have paid more attention to it, so that "what I may have said regarding those of minor note "would naturally make less impression on their "minds, and be sooner effaced from their recollec"tions."

The Judge Advocate concluded his reply, by stating that the Court would give the Prisoner the benefit of any doubts they might entertain, on a full consideration of the whole of the Evidences that had been placed before them.

Lieut. Colonel Capon being called into Court is duly sworn.

Questioned by the Court.

Q. During the time you were in Command of the 16th Regiment, had you an opportunity of forming an opinion on the general character of Lieutenant Munro?

A. Yes.

Q. Will you be kind enough to state your opinion of his general character?

A. My opinion of his character is, that he is exceedingly upright, honorable and sincere, and I esteemed him the best officer in the Regiment after the Staff.

Questioned by the Prisoner.

Q. How long did you command the 16th Regiment and how long was Lieutenant Munro under your Command?

A. I commanded it, from the 1st of February to the first week in October last year. Lieut. Munro joined about the 10th February, and was under my command the whole time I was with the Regiment after that.†

The Trial is here finished, and the Prisoner and Witnesses are dismissed.

The assertions put forth by Captain Duff, in the several paragraphs viz. No. 44 at 53 inclusive, are not mere matter of declamation, introduced into his Defence for the purpose of effect only; but refer to facts, which are on record in the Proceedings of the Court of Inquiry, that sat on his conduct in March and April 1839, and to which, having seen and perused those proceedings, carefully and attentively, we can bear Testimony, of our own immediate knowledge. The Court of Inquiry has been in print since the end of last year (1839.)—Editor.

That is Ensign Gibbard,

This appeared to be added whilst the defence was being read.—Editor.

† Lieutenant Munro joined the Head Quarters of the 16th Regiment N. I. at Bombay from Vingoria on the 23rd February last year (1839) as shown in the Certificat appended to Captain Duffs Defence, and between that date and the first of May following earned for himself the *compliment* bestowed on him under the latter date, by the Commander of the Forces, of having *for reasons best known to himself* endeavoured to bring the professional character of his senior Brother Officer into disrepute, thereby indicating such improper feelings both as an officer and private individual, as to render any further remarks from the Commander of the Forces unnecessary.—Editor.

No. 1.

MY DEAR DUFF,

I have received your letter, and in reply have only to assure you, that it affords me sincere gratification to bear testimony to your conduct, since the day we first became known to each other as brother officers in the 16th Regiment. We served together at Seroor and Sholapoor in the years 1819, 20 and 21, and I can with truth assent, that during that period I never knew you to act otherwise, than in the character of an officer, a man of honor, and a Gentleman, and further I had reason to believe, you were esteemed by your brother officers and considered by them in the light of a person not disposed to bear malice, quarrelsome, or given to any of those propensities which could influence them to form an opinion contrary to the one I have expressed, and if what I have now stated will be of the least service to you, you are at liberty to make whatever use you may think proper of this note, and believe me,

Your's very sincerely,

(Signed.) BRUCE SETON,

Poona, 29th July 1840,

No. 2.

Baroda, 27th April 1840.

MY DEAR DUFF,

I am sorry to find by your letter of the 19th, that the Court Martial is not yet brought to a conclusion. I fully expected by this to have heard of your full and honorable acquittal, but however "patience Cousin, and shuffle the cards" for however painful the state of suspense must be, I have no fear of the result.

My dear Duff,—I have known you for many years, and during some part of that time intimately, and I have not the slightest hesitation in saying, that there is not an officer in the army whose word I would sooner rely on, than your own. I conceived you to be incapable of an approach to falsehood, and I have never heard or known, of your having ever acted by word, or deed, in a way that could cast the smallest stain upon your character as a Gentleman, and a man of honor, nor do I think you capable of doing so.

This is an opinion formed not only from my own knowledge of your character, but also from what I have heard from others, who had good opportunities of forming a judgment.

You may have many friends whose testimony must have much more weight than mine, but if you think my opinion will be of the slightest service, you are most welcome to make use of this letter in any way you think proper.

Excuse a very short letter, but the weather is much too hot for writing, and if I do not send this off directly, I shall miss this day's Post.

Yours in great haste,

Very truly,

(Signed.) G. ROBINSON,

Capt. 4th Reg. N. I.

Give my best remembrance to Chalmers, and tell him I think he is a Letter in my debt.

No. 3.

Rajcote, May 19th 1840.

MY DEAR DUFF,

I have many apologies to offer, for not replying before to your Letter of the 4th Instant, but having had a good deal of business on my hands of one kind or other, must plead my excuse.

I regret exceedingly to hear you are to appear before a Court Martial, for either as Prosecutor or Prisoner, it is distressing and harrasing.

If my testimony can be of any use to you, I have much satisfaction in being able to say that I can conscientiously affirm after an intimate acquaintance of nearly twenty years, I have always found you (and have expressed myself so to others before) a strictly honorable man, and one of the last I should have supposed would be guilty of the act you are accused of,—that in my intercourse with Society, I have always heard you spoken of as a man of integrity and uprightness of character.—With my sincere wishes for an honorable acquittal.

I remain,

My Dear Duff,

Your's very sincerely,

(Signed) W. D. ROBERTSON, Lieut. Col. Commanding 14th Regiment.

Capt. D. G. Duff, 16th Regiment Bombay.

No. 4.

I Charles Alexander Stewart, Captain in the 16th Regt. Bombay N. I., do hereby make oath in presence of Brigadier Bagnold, Commanding Aurungabad Division, that I have known Captain D. G. Duff of the same Regiment, ever since the year 1824,—that I have served with him at Surat, Bombay, and on Detachment at Tannah, during the time the Regiment was at those stations, and until I was removed for Staff Duty to my present employment:—during which time, being on terms of much intimacy, I have ever found his conduct that of a man of honor and a Gentleman, and upon whose word I could place the most implicit reliance, and I believe him totally incapable of willingly deviating from truth.

(Signed) C. A. STEWART, 16th Regiment Bombay N. I. doing duty with the Aurungabad Division, Nizam's Army.

Sworn before me at Rosa, this 31st day of March 1840.

(Signed) G. BAGNOLD, Brigadier, Commanding Aurungabad Division, H. H. Nizam's Army.

No. 5.

MY DEAR DUFF,

I have much pleasure in saying, that during an intimacy of some years I have ever considered you a person of unquestionable veracity, and from the knowledge and acquaintance that has subsisted between us, I am induced to believe and imagine, that you would not commit or be guilty of an action unworthy the character of an Officer or a Gentleman.

Sincerely your's,

(Signed) WM. FOQUETT.

Poona, 28th April 1840.

No. 6.

MY DEAR DUFF,

I received your letter of 13th at Belgaum a few days ago, and would have answered it earlier, but I have been much engaged and must content myself now with a very few lines, you wish me to give my opinion of you.—I shall do so with much pleasure and without reserve one way or the other. Our acquaintance is now of some standing, and from the degree of intimacy that exisited. I had so good an opportunity as most men of judging your character and disposition. I believe you perfectly incapable of perpetrating or sanctioning an act of inhumanity. I *think* you deficient in reserve, and tha your heart is better than your head, but I am *confident* you are wanting in *no* gentlemanly or soldierly feeling or principle, and I would trust your *word* sooner than I would some men's *Oaths*.

I can scarcely suppose that my opinion can be of any use to you, should it be, make any use you please of it. It is all the same to me.

As to the parties who appeared against you in the Court of Inquiry, I never heard but one opinion viz. that the tight wigging they got from Major General Fitzgerald in General Order was *most richly deserved*.

Very busy, so excuse this short yarn, wishing you good luck in every thing, and a speedy deliverance out of the hands of the Philistines (it is no shame

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to an honest man to have his conduct scrutinized.

I remain,
Your's sincerely,
(Signed) A. H. BETTINGTON.

21st May 1840.

Tell friend Dick, I shot another Tiger last month. Kind regards to Mrs. Duff.

No. 7.

MY DEAR DUFF,

I have much pleasure in sending you my testimony to the excellence of your character.

Throughout an intimate acquaintance of above (20) twenty years, during which period I had ample opportunity of judging of you, I most conscientiously declare, that I believe you quite incapable of stating what is untrue. I have no hesitation in saying that I have never met with an individual upon whose word I would place more implicit reliance.—I consider you totally incapable of an act so inconsistent with that high sense of honor and rectitude which has marked your course through life; and I assure you nothing ever surprised me more than hearing, for the *first* time in my life, a doubt cast on the veracity of Daniel George Duff.

With sincere good wishes and confidence in your successfully passing the ordeal you are about to be subjected to,

I remain,
My dear Duff,
Your's most sincerely,
(Signed) W. S. BOYD.

Bombay, 25th July 1840.

No. 8.

I George Barnes Brucks, Commodore, Indian Navy, do hereby solemnly make Oath, and declare, that I have known Captain Daniel George Duff, of the 16th Regiment of Native Infantry, since January 1833, that during the years 1833 | 34 and past 1835. I was for a great part of the time in almost daily intercourse with him, that our intimacy has ever since continued opportunities offering; it has been personal, and I do most solemnly declare, I do not believe the said Captain Daniel George Duff, capable of willingly telling, or asserting a falsehood, neither have I ever known, during the whole course of our intimacy, Captain Duff to be guilty of any action that could cause a blush to any one having the feelings of a gentleman.

(Signed) GEO. B. BRUCKS,
Commodore Indian Navy.

Sworn before me at Bombay this 14th of May 1840.
(Signed) H. F. OWEN,
Justice of the Peace.

No. 9.

MY DEAR DUFF,

I am truly concerned to hear of the important and unpleasant situation in which you are now placed, but any honest man may be similarly situated without fault of his own. I can however say that I have known you for nearly 20 years at one time very intimately, and altho' circumstances and the different spheres of our respective duties have kept us apart for some time, I do not believe either from what I know of you, or have heard from others better able to judge, that you are not capable of committing the offence of which you are accused. Of your veracity and honor, I never entertained nor heard a doubt, and all who know you will bear ready witness to your humane disposition.

Wishing you every success in your present attempt to defend your character.

Believe me,
Your's sincerely,
(Signed) JOSEPH GLEN.

Without date but received on or about the 16th August 1840.

REVISED FINDING.—The Court having in obedience to the orders of His Excellency the Commander in Chief reconsidered their proceedings, find that the Prisoner Captain Daniel George Duff, 16th Regiment N. I., did at a General Court Martial holden at Poona between the 30th December 1839, and the 14th January 1840, give testimony to the effect as set forth in the charge, but the Court are of opinion that the Prisoner is not GUILTY of having given that Testimony knowingly and wilfully believing it to be false, and they do therefore, FULLY and HONORABLY acquit him of the charge.

(Signed) J. PENNYCUICK,
Lieut. Col. and President.

(Signed) A. WOODBURN, Capt.
Officiated Judge Advocate.

CONFIRMED.

(Signed) THOS. McMAHON,
Lieut. General, and Commander in Chief.

Remarks by the Commander in Chief.

On the revised Proceedings, an inaccuracy appears in the second paragraph, wherein it is stated, that the Court proceeded to reconsider their former finding and sentence.

As no sentence could have been passed, the former verdict having been an acquittal, the mistake on the part of the Court in using the word "Sentence" is conspicuous tho' not material.

This Court Martial was convened for the purposes stated in the General Orders of the 24th of March last, and having done my duty towards the public service, in the steps I have taken, it only remains for me to affix to the Proceedings my confirmation. Captain Duff, is accordingly released from arrest, and is to return to his duty.

(Signed) THOS. McMAHON,
Lieut. General and Commander in Chief.

By order of His Excellency the Commander in Chief,
(Signed) STRATFORD POWELL,
Lieut. Col. Adjt. General of the Army.

PRINTED AND PUBLISHED FOR THE PROPRIETOR,

AT THE GAZETTE PRESS, NO. 5, FORBES' STREET

BY A. WILLARD,